

AUTHORIZING THE APPOINTMENT OF ADDITIONAL
CIRCUIT AND DISTRICT JUDGESHIPS

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1203]

The Committee on the Judiciary, to which was referred the bill (S. 1203) authorizing the appointment of additional circuit and district judgeships, and for other purposes, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, line 4, beginning with the word "two" strike out all down to and including the quotation marks on page 2, line 3, and insert in lieu thereof the following:

one additional circuit judge for the fifth circuit. In order that the table contained in section 44 (a) of title 28 of the United States Code will reflect the change made by this section in the number of circuit judges for the fifth circuit, such table is amended to read as follows with respect to said circuit:

"Circuits							Number of Judges
*	*	*	*	*	*	*	*
Fifth	-----						Seven
*	*	*	*	*	*	*	*

2. On page 2, line 7, beginning with the word "one" strike out down to and including the comma on line 8.

3. On page 2, line 9, strike out the word "two" and insert in lieu thereof the word "one".

4. On page 2, line 10, strike out the word "judges" and insert in lieu thereof the word "judge".

5. On page 2, line 14, following the comma insert the following: "one district judge for the eastern, middle, and western districts of North Carolina,".

6. On page 2, line 14, beginning with the word "three" strike out down to and including the comma on line 15.

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7. On page 2, line 16, following the comma insert the following: "on additional district judge for the eastern district of Pennsylvania,".

8. On page 2, line 19, strike out the word "two" and insert in lieu thereof the word "one".

9. On page 2, line 20, strike out the word "judges" and insert in lieu thereof the word "judge".

10. On page 2, line 25, after the parenthesis after the figure "1083" insert the following:

the existing judgeship for the southern district of Texas created by section 2 (d) of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved August 3, 1949 (63 Stat. 495),.

11. On page 3, delete line 19.

12. On page 3, line 25, strike out the figure "5" and insert in lieu thereof the figure "4".

13. On page 4, line 14, in addition to leaving the asterisks insert the following:

North Carolina:

*	*	*	*	*	*	*	1
Eastern, Middle and Western-----							
*	*	*	*	*	*	*	

14. On page 4, line 15, strike out all down to and including the asterisks on line 18.

15. On page 4, line 21, in addition to leaving the asterisks insert the following:

Pennsylvania:

Eastern-----	8
* * * * * *	

16. On page 5, line 2, in addition to leaving the asterisks, insert the following:

Southern-----	4
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17. On page 5, line 10, strike out the figure "4" and insert in lieu thereof the figure "3".

18. On page 5, after the quotation marks on line 15, insert the following new paragraph:

(b) (1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Arizona. The first vacancy occurring in the office of district judge in said district shall not be filled.

19. On page 5, line 16, strike out "(b) (1)" and insert in lieu thereof "(2)".

20. On page 5, line 21, strike out "(2)" and insert in lieu thereof "(3)".

21. On page 6, line 2, following the quotation marks, insert the following new paragraph:

(4) Subsection (c) (6) of section 80 of title 28, United States Code, is amended by striking out the word "Washington", so that the subsection will read as follows:

"(6) The Swainsboro Division comprises the counties of Bullock, Candler, Emanuel, Jefferson, Jenkins, and Tombs.

"Court for the Swainsboro Division shall be held at Swainsboro."

22. On page 6, line 3, strike out "(3)" and insert in lieu thereof "(5)".

23. On page 6, line 7, strike out "(4)" and insert in lieu thereof "(6)".

24. On page 6, line 12, strike out "(5)" and insert in lieu thereof "(7)".

25. On page 6, line 18, after the period insert the following new paragraph:

(8) The present incumbent of the judgeship for the southern district of Texas created by section 2 (d) of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes," approved August 3, 1949 (63 Stat. 495), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this Act.

26. On page 6, line 19, strike out "(6)" and insert in lieu thereof "(9)".

27. On page 6, line 25, strike out the word "such" and insert in lieu thereof the words "the present".

28. On page 7, line 4, beginning with the figure "(7)" strike out all down to and including the period on line 9.

29. On page 8, line 13, beginning with the word "The" strike out all down to and including the quotation marks on line 23 and insert in lieu thereof the following:

SEC. 5. Section 371 of title 28 of the United States Code is amended to read as follows:

"SEC. 371. RESIGNATION OR RETIREMENT FOR AGE; SUBSTITUTE JUDGE ON FAILURE TO RETIRE—

"(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.

"(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office.

"The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

"(c) Whenever any circuit or district judge eligible to resign under this section or to retire under this section or section 372 does neither, and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and the appointment of an additional judge if necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. If such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled.

"Any circuit or district judge whose disability causes the appointment of an additional judge, shall, for purposes of precedence, service as chief judge or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit or district."

30. At the end of the bill add a new section as follows:

SEC. 6. (a) The first sentence of section 26 of the Organic Act of the Virgin Islands of the United States, as amended (48 U. S. C. 1405y), is amended to read as follows:

"The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause, and a district attorney who shall hold office for the term of four years and until his successor is chosen and qualified unless sooner removed by the President for cause."

(b) This section shall take effect upon its approval but shall not affect the term of any incumbent whose term has not yet expired.

31. On page 3, line 3, beginning with the word "one" strike out the remainder of the line and insert "one district judge for the middle and western districts."

32. On page 5, strike out lines 23 and 24 and insert in lieu thereof the following:

Middle and western..... 1

PURPOSE OF AMENDMENTS

The purpose of the proposed amendments is to provide for the proper increases of judges and places of holding court to conform with the factual situations as presented by the evidence herein submitted and to make the bill technically correct as to form. A further proposed amendment provides for the changing of the tenure of office of the judge for the district court of the Virgin Islands from 4 to 8 years. Deletions or reductions of the original provisions of S. 1203 have been made where the committee has believed that the facts have not justified those provisions at this time.

Amendments 31 and 32 were made in the bill on the motion of Senator Kefauver as regards the provisions for the judge for the middle and western districts of Tennessee.

PURPOSE

The purpose of the proposed legislation, as amended, is to provide for an increase in circuit court judges and district court judges where such a need appears to have been presented and justified. This legislation provides for the creation of 1 additional circuit judgeship and 18 additional district judgeships. The additional circuit judgeship created is for the fifth circuit. The new district judgeships created will provide additional judges where needed, as follows: One additional district judge for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the district of Delaware, one additional district judge for the southern district of Florida, one additional district judge for the northern district of Georgia, one district judge for the northern and southern districts of Indiana, one additional district judge for the district of Nevada, one district judge for the eastern, middle, and western districts of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the eastern district of Pennsylvania, one additional district judge for the middle district of Tennessee, one additional district judge for the eastern district of Texas, one additional district judge for the eastern district of Virginia, one additional district judge for the western district of Washington, and one additional district judge for the district of Alaska.

The presently existing temporary judgeship for the southern district of Texas, and the presently existing temporary "roving" judgeships for the eastern and western districts of Missouri and for the northern and southern districts of West Virginia are herein made permanent, and it is provided that the present incumbent "roving" judge for the northern and southern districts of West Virginia shall become the judge of the northern district in the event a vacancy occurs in that district.

There is also created one temporary judge for the district of Arizona and two temporary judges for the southern district of New York.

The bill also makes a number of changes in places of holding court. It provides that in the southern district of Florida terms of court shall be held in West Palm Beach and Fort Myers in addition to the present places of holding court.

Similarly, provision is made for the holding of terms of court in the city of Flint for the northern division of the eastern district of Michigan, in addition to the present places of holding court in that district.

Provision is made in the bill to delete the county of Washington from the Swainsboro division in the southern district of Georgia.

Provision is made for the designation, by the district judges of the district, of an additional place for holding terms of court in the southern division of the western district of Washington.

Provision is made in section 4 of the bill, that if a vacancy shall occur in the middle district of Pennsylvania while the incumbent "roving" judge appointed for the eastern, middle, and western districts of Pennsylvania under the act of July 24, 1946 (60 Stat. 654), is serving, then such "roving" judge shall become a district judge for the middle district of Pennsylvania to fill the vacancy occurring.

Section 5 of the bill amends section 371 of title 28, United States Code, so that the President may appoint an additional judge when a judge eligible to retire for disability under section 372 fails to do so. Section 371 is further amended in a formal way so as to enumerate certain paragraphs thereon as (a), (b), and (c) as recommended in H. R. 3899 of the Eighty-second Congress.

Section 6 of the bill provides for the term of office of the judge for the district court of the Virgin Islands to be for a term of 8 years instead of the 4 years as under existing law.

STATEMENT

Public Law 205 of the Eighty-first Congress provided for the addition of circuit and district judges to the Federal judicial system in an effort to enable the judiciary to cope with the tremendous backlog and new filings of cases where the need was most apparent. As stated in the report on that legislation, it was intended only to take care of the very minimum needs for an efficient Federal judiciary. Public Law 205 has accomplished its purpose and a further survey of the situation as time has progressed calls for the additional legislation herein proposed in order to hold the line gained by previous legislation and to take care of those situations which are becoming acute and were not specifically or adequately dealt with in previous legislation.

Speedy and efficient disposition of litigation serves the public, and that is the aim of this type of legislation. Inefficiency or inadequate personnel should not be permitted to undermine the functioning of the Federal courts, for justice too long delayed may indeed be justice denied.

This bill is being reported in the belief that the changes it will accomplish will advance the welfare of the public. In this connection it must be remembered that S. 1203 is not intended to be a cure-all for conditions existing in the circuits and districts, but only to aid in those situations to which S. 1203 relates. No doubt congestion exists in other circuits and districts, but facts have not been presented to this committee which would warrant the inclusion of other circuits or districts. The bill only considers those situations brought to the attention of the committee and then only as to minimum requirements.

Even with the relief given in past legislation, it is evident from the facts assembled that in a number of districts there are more cases than the judges can possibly handle and dispose of with the efficiency and dispatch desired. There is every evidence, both from the statistical standpoint and from the standpoint of human experience, that the past tendency toward a steady increase in the case load of our Federal courts will continue and grow more burdensome in the future. Failure to recognize the trend and provide for it might mean that in many cases

justice might be so long delayed that the ends of justice might be largely defeated.

The Judicial Conference of the United States and the Office of the Director of the Administrative Office of United States Courts, have each made a very careful study of the condition of the dockets of all of the Federal courts going back over a period of the past several years. This study has been most comprehensive and has related to each and every district and each and every circuit. Of necessity, the most that said study can reveal is the cold data as to the number of cases filed, the number of cases disposed of, the number of cases pending, and related factual data. The studies conducted by said offices cannot possibly take into account the various intangible factors which enter into any complete understanding of the over-all problem of the load being carried by each Federal judge. It is a known fact that in certain of the districts wherein wealth is concentrated or large corporations are located (particularly the southern district of New York) a great many tremendously large, important, and involved suits are filed primarily because of the location of either the plaintiff or the defendant in said district. In certain other districts there is an extremely heavy case load of criminal cases by reason of immigration-law violations. Other intangible factors, such as illness of judges, judges being assigned to other judicial duties, age, physical incapacity, and numerous other factors enter into the forming of the full and complete picture and a full and complete understanding of the problem. By reason of these factors, the committee wishes to recognize that any statistics that will be appended to this report cannot, and do not, give the full, complete, and accurate picture as to the need for judges in any particular district, or circuit.

Between 1941 and 1950, the total number of civil cases pending in the 84 districts of the United States (86 since 1949) increased from 29,394 to 55,603. This was an increase of more than 89 percent in the 10-year period.

Fiscal year	Total civil cases			Private civil cases		
	Com-menced	Terminated	Pending	Com-menced	Terminated	Pending
1941.....	38,477	38,561	29,394	21,931	23,364	18,807
1942.....	38,140	38,352	29,182	21,067	22,488	17,386
1943.....	36,789	36,044	29,927	17,717	20,124	14,979
1944.....	38,499	37,086	31,340	17,604	17,446	15,137
1945.....	60,965	52,300	40,005	17,855	16,753	16,239
1946.....	67,835	61,000	46,840	22,141	18,438	19,942
1947.....	58,956	54,515	51,281	29,122	23,091	25,973
1948.....	46,725	48,791	49,215	30,344	26,418	29,809
1949.....	53,421	48,396	54,240	31,386	28,159	33,126
1950.....	54,622	53,259	55,603	32,193	30,494	34,825

Over the 10-year period there has been a definite upward trend, particularly noticeable in the private cases. In the period from 1945 to 1947 the volume of all civil cases was greatly increased by the large number of OPA price and rationing cases brought by the Government. The decline in private cases during the war has been followed by a steady year-by-year increase so that the 1950 total of cases commenced, 32,193, was 47 percent above the 1941 figure. For all civil cases the increase was 42 percent. During the same period the number of district judgeships has risen by only 12 percent.

The above table also indicates that the total number of private civil cases pending in the district courts increased during the 10-year period from 18,807 to 34,825 (almost double). It will also be noted that the number of private civil cases pending in 1950 (34,825) exceeded the number terminated during the year 1950 (30,494).

It is recognized that the time-consuming cases are the private civil cases and are the type of cases to which careful and thoughtful attention must be given by a judge in order to render substantial justice.

Admitting the fact that the civil cases are the time-consuming cases of the court, it is also recognized that the great number of criminal cases must be dealt with quickly and expeditiously, as it has always been the policy of all courts to give priority to criminal proceedings. Even on pleas of guilty, which take only a nominal time to hear and enter on the record, much consideration is, and properly should be, given by the judge to the type and extent of the punishment to be fixed. All judges recognize this responsibility in dealing with human liberty and a statistical analysis of the time consumed in hearing pleas of guilty in criminal cases, is, in no sense, a fair criteria for the time consumed in handling the criminal docket. And, of course, some criminal cases are extremely time consuming.

The trend in the time required for the disposition of civil cases is also worthy of note, as the median time interval shows a continuing increase.

The median time interval between filing and disposition of civil cases tried in 1944 was 10.5 months. During the next 3 years this median was only 9 months. The shorter time was due mainly to a large number of OPA cases which were tried and disposed of in less time than the median interval. In 1948, the median reached 9.9 months, in 1949, 10.4 months, and in 1950, 11.2. This is another indication of increasing pressure which has resulted in an increase of the time for disposition in some courts.

It should be noted, however, that this increase is largely due to congestion in the metropolitan areas.

This committee is convinced that the national average (being the average number of cases handled per judge in the 86 district courts of the United States) is now higher than it should be and is placing more cases on each judge (average) than he can properly and efficiently handle. But even with the national average as high as it is, and the judges of necessity sacrificing thoroughness for speed, yet, the dockets in many districts are falling further and further behind, and the problem is getting more and more acute. As the total number of pending cases continues to increase, obviously fewer judges will be able to accept assignment away from their district or circuit.

The committee is further convinced that the only possible solution of the problem is to furnish the Federal judiciary with sufficient manpower to reasonably and adequately staff the courts. All manner of makeshift plans have been tried, but with the insurmountable obstacle of inadequate number of judges, all such plans have failed and will continue to fail. Once the courts are adequately staffed with judges, the backlog of cases can and will be disposed of, and the courts can then remain current.

It should be noted that the foregoing has dealt with the question of relieving and bringing the backlogs of the Federal courts affected to a current basis and relieving the judges of the apparent overload, but the question of the rights of the litigants is of the prime impor-

tance. In recommending the provisions of S. 1203, it is done with the thought of giving to litigants their day in court in the most expeditious and speedy manner.

It is evident that an increase in judges will require that there be a corresponding increase in the appropriation for the judiciary. The committee wishes to point out that in the present fiscal year (1951) the appropriation for the Federal judiciary is \$25,304,665 as compared with the total Federal budget of \$75,086,940,888. The judiciary appropriation is, therefore, about one-thirtieth of 1 percent of the total budget. The committee is of the belief that the additional expenditure inherent in the enactment of this bill is amply justified, when it is considered that such enactment will enhance the efficiency and smooth working of one of the three major branches of the Government.

In addition to the creation of additional judgeships, S. 1203 has provided for additional places for court to be held in some of the districts in order to give further judicial service to the public in those places where the facts submitted indicate that such a provision is needed.

The additional judgeships, and related provisions are discussed in the remaining portion of this report.

Extensive hearings were held on S. 1203 relating to the provisions of the bill. Those hearings contain testimony, letters, resolutions, statements, and statistical data which tend to support the provisions of S. 1203, as amended. Such hearings are incorporated as a part of this report by reference.

Bills previously introduced in the Eighty-second Congress, the subject matters of which are dealt with in S. 1203, are S. 88, S. 126, S. 431, S. 638, and S. 922.

The following comprises a summary of the specific provisions contained in S. 1203, as amended, showing the conditions existing in the circuit and districts affected and is supplemented by more detailed statistical data appended to this report.

CIRCUIT JUDGESHIPS—FIFTH CIRCUIT

The bill provides for an increase in the number of circuit judges of the court of appeals for this circuit from six to seven.

This provision of the bill is recommended by the Judicial Council of the Fifth Circuit and by a majority of the Judicial Conference of the United States.

The hearings disclose that in the number of appeals filed each fiscal year, the fifth circuit has been consistently next to the highest throughout the last decade.

On the basis of the number of appeals filed per judgeship, the fifth circuit had the highest average of any circuit for the fiscal year 1950, when 68 cases per judgeship were docketed, a number over one-half greater than the average case load for all circuits of 43.5 cases per judgeship.

Just as the fifth circuit showed a case load per judgeship of appeals filed that was over 50 percent greater than the average for all circuits, so in cases terminated after a hearing or submission, the fifth circuit, with almost 57 cases per judge compared with 36 for all circuits, is again 50 percent above the national average.

A study of the hearings and the statistical information that appear therein has led the committee to the conclusion that the increase of one judge for the fifth circuit is justified. (See appendix 1.)

DISTRICT JUDGESHIPS

THE DISTRICT OF ALASKA

The bill provides for an increase in the number of district judgeships in the third division of the district of Alaska from one to two.

The Territory of Alaska is a single judicial district. The Territory is divided into four divisions, each now having one judge. Court is held at the following places in the different divisions: Juneau, in the first division; Nome, in the second division; Anchorage, in the third division; and Fairbanks, in the fourth division.

In addition to Anchorage, in the third division, court is held in numerous small communities in the district, including Cordova, Seward, Valdez, and Kodiak, and also at probably a dozen or more additional small communities, sometimes on a boat which is popularly referred to as a floating court.

The judge in this division is Hon. Anthony J. Dimond, formerly a Delegate from Alaska. He is very capable and labors long and hard to handle the work of the district. He also has the help of outside judges from time to time. Even in view of all of these facts he is unable to keep abreast of the judicial work of the division. The statistics which will be found in the appendix show that the court is falling further and further behind with the cases pending and the cases disposed of in the third division.

An additional fact bearing on the workload of this division is that since Alaska is a Territory, the Federal courts are called upon to exercise jurisdiction normally vested in the State courts. This pyramids the workload of the whole district, and particularly the third division.

All of the facts available to the committee indicate the unquestionable need for an additional district judge in the third division for the district of Alaska. (See memorandum appendix 2.)

For example the case load in 1941 showed that 140 civil cases were pending. In the first half of 1951 civil cases pending had risen to 591 (appendix 2, table 1). Private civil cases pending in 1941 numbered 136 while in the first half of 1951 the figure had risen to 572 (appendix 2, table 1).

This provision of the bill has been recommended by the Judicial Conference of the United States and the committee is of the opinion that the case for an additional district judge for the third division of the district of Alaska is meritorious.

THE DISTRICT OF ARIZONA

The bill provides for an additional district judgeship for the district of Arizona on a temporary basis.

At present there are two judges in this district and this provision of the bill would increase the number to three.

Arizona is the seventh largest State in area in the United States and has a varied business.

In 1940 the pending civil cases amounted to 107 and in the first half of 1951 the figure had risen to 243 (appendix 3, table 1). Private civil cases per judge in this district is less than the national average.

The criminal cases show that in 1950 there were 605 cases per judge as compared with 169 per judge on the national average.

In addition to the foregoing, one of the judges in this district has been incapacitated so that in the last 4 years he has conducted trials for a total of 5½ days.

It can be seen that the problem of liquidating the increasing backlog in face of the incapacitated judge is critical and the committee is convinced that in order to provide the litigants in this district with adequate judge power, the provision for an additional temporary district judge for the district of Arizona is justified.

THE SOUTHERN DISTRICT OF CALIFORNIA

The bill provides for an increase in the number of district judgeships in this district from 10 to 11.

A considerable portion of the population increase of the ninth circuit has occurred in the southern district of California, and, even though Public Law 205 of the Eighty-first Congress was of invaluable aid to solving the congestion of that district, more aid is indicated. The pending case load of private civil cases was 406 in 1948. In 1949 it rose to 517, and in 1950 to 587, and finally in the first half of 1951 (so far reported) it has risen to 604 (appendix 4).

On the criminal side of the docket there were in 84 districts 169 cases per judge during the fiscal year 1950. In the southern district of California for the same period the case load was 230 (appendix 4, table 2). It is noted that this figure is well above the national average. The high rate of criminal cases no doubt is enhanced by immigration cases which arise on the Mexican border and which are inherent to districts that adjoin another country.

While there has been improvement in the general condition of congestion in the southern district of California by the enactment of Public Law 205, the committee is of the opinion that in order to hold the line and prepare for the foreseeable future an additional district judge is required.

THE DISTRICT OF COLORADO

The bill provides for an increase in the number of district judges for the district of Colorado from one to two.

As of June 30, 1948, there were a total of 177 civil cases pending before the court for this district. This figure rose to 213 in 1949, to 332 in 1950, and in the first half of 1951 it had reached a mark of 366 (appendix 5, table 1). Private civil cases pending on June 30, 1945, were only 85, as compared with 186 for the first half of 1951. This is true even though there were more private civil cases terminated each year. In other words, the termination of these cases did not keep pace with filings, so that the backlog has continued to grow.

The same situation appears in the criminal cases. Whereas of June 30, 1949, there were pending only 45 such cases, for the first half of 1951 the figure is shown to be 71 (appendix 5, table 1).

The national average for private civil cases commenced per judge in 1949 was 113. For the district of Colorado the comparable average figure for private civil cases commenced was 191. In civil cases where the United States was a party, the number of cases commenced was 109 per judge on the national average in 1950. In Colorado the number of cases per judge was 267 (appendix 5, table 2).

The same situation exists in respect to criminal cases. The national average per judge for criminal cases commenced in 1950 was 169. In Colorado the figure for the same period, per judge, was 411.

Due to the load of work in this district the time elapsed to dispose of cases was, of course, lengthened. The percentage of terminated cases requiring less than 3 months for the interval from issue to trial was 24.5 percent on the national average, while for the district of Colorado it was only 6.3 percent during 1950. Again, the percentage of cases requiring less than 6 months for the interval from filing to disposition on the national average for 1950 was 22.3 percent. For the district of Colorado for the same period the figure was only 12.5 percent (appendix 5, table 3).

The committee is of the opinion that the foregoing amply justifies and warrants the additional district judge for the district of Colorado.

THE DISTRICT OF DELAWARE

The bill provides for an increase in the number of district judgeships for the district of Delaware from two to three.

The additional district judge for this district has received the approval and favorable recommendation of the Judicial Conference of the United States at its meeting of September 25-26, 1950.

This provision of the bill has also received the approval and recommendation of the Judicial Council of the Third Circuit, dated July 27, 1950, and of the Delaware State Bar Association, dated August 4, 1950.

The appendixes hereto attached showing the judicial business of the district of Delaware make a comparison with other districts. The case load per judge in comparison with the number of cases filed to the average judge has been slight. At no time in the last 10 years has the civil-case load exceeded the average. Similarly, the private-case load has recently been only one-fourth the national average, and the criminal-case load has been less than one-eighth the national average.

Despite this lighter case load, the congestion of pending cases in Delaware reached considerable proportions in 1945 and has remained so since. The number of pending cases has been around 250 or higher since 1945.

The burden of work in Delaware arises not from the number of cases filed there but from the number of extremely long cases. The State of Delaware has incorporated a large number of corporations doing business throughout the whole country, and this number includes some of the biggest businesses in the United States. Consequently reorganizations, stockholders' suits, patent suits, and antitrust cases involving these corporations are often brought in the district of Delaware. And since these corporations are often very large, the suits involving them are usually extremely long and complicated. One such suit may take as much time as a hundred routine cases.

A general discussion and summary of judicial business of the district of Delaware is hereto attached as appendix 6.

The committee, after consideration of all the facts is of the opinion that an additional district judge for the district of Delaware is warranted.

THE SOUTHERN DISTRICT OF FLORIDA

The bill, before amendment, provided for an increase in the number of district judgeships in the southern district of Florida from three to four.

The Judicial Conference of the United States recommends against the increase of district judges for this district.

After a study of the facts disclosed at the hearings, the committee is of the opinion that one additional judgeship should be created in the district and therefore recommends that this provision, as amended, be approved.

Information received from Senator Holland and Senator Smathers indicates that for the period 1940-50 there has been a population increase of 880,000, and that the heavy seasonal tourist population has added to the congestion in the courts.

Pending cases in this district as of June 30, 1950, were in the number of 946. In the first half of 1951 the figure has risen to 969 (appendix 7, table 1). Pending private civil cases as of June 30, 1950, numbered 675, and this figure in the first half of 1951 has risen to 692 (appendix 7, table 1). Private civil cases per judgeship for 1950 number 151 as compared to the national average per judge of 113 (appendix 7, table 2). It is to be noted that the backlog has continued to rise even though the percentage of cases terminated in less than 6 months from filing to disposition, and those terminated in less than 3 months from issue to trial, is greater than the national average (appendix 7, table 3).

The bill also provides that in addition to the now existing places designated for the holding of terms of court there be added the cities of Fort Myers and West Palm Beach. S. 431 of the Eighty-second Congress, introduced to accomplish this purpose, is thus incorporated into S. 1203.

The report of the Judicial Council of the Fifth Circuit indicates that it feels that the matter of additional places of holding court should go to the Congress without an adverse recommendation by the council for the reason that where the district judges affected favor the creation of new divisions they would not normally put themselves in opposition (appendix 7).

The Department of Justice, in its report, concludes that the matter is a question of legislative policy concerning which the Department prefers not to make any recommendation (appendix 7).

After a consideration of the facts, the committee is of the opinion that the increase in the number of judges for this district is justified. In order that the greatest amount of efficiency may be obtained from the services of these judges in an effort to reduce the backlog and to keep the dockets current, the two additional places for holding terms of court are also justified.

THE NORTHERN DISTRICT OF GEORGIA

The bill provides for the increase of the number of district judgeships for the northern district of Georgia from two to three.

The total of cases pending as of June 30, 1949, in this district numbered 300, and even though the district was given another judge in

that year the pending case load rose to 340 in 1950 and for the first half of 1951 numbered 320 (appendix 8, table 1). It would, therefore, appear that even with the added help the backlog of cases is nearly constant. Criminal cases per judge on a national average for 1950 numbered 169, while for this district the figure per judge was 210 (appendix 8, table 2). It will be noted that in the period 1940-47 there were two judges in this district and in 1948-49 only one. In 1950 the judge authorized in 1949 was sitting. Even with this addition and the fact that the district had two judges for the period stated, the backlog has risen from 138 cases pending in 1940 to 320 in the first half of 1951 (appendix 8, table 1).

The committee believes the facts justify the additional judgeship proposed for this district.

The bill further provides for the deletion of the county of Washington from the Swainsboro division of the southern district of Georgia. When the Swainsboro division was created the county of Washington was included even though it was part of the Macon division of the middle district of Georgia. Information is to the effect that it is desired that the county should remain in the middle district and therefore the committee recommends this provision for favorable consideration.

THE NORTHERN AND SOUTHERN DISTRICTS OF INDIANA

The bill would provide for the creation of an additional district judgeship for the northern and southern districts of Indiana.

The Judicial Conference of the United States reaffirmed this judgeship at its meeting in September 1950.

The State of Indiana which is a part of the seventh judicial circuit is divided into two judicial districts, the northern and southern. At the present time there is one permanent district judge serving each of the districts. These two judges hold court in seven different cities throughout the State. The need for this "roving" judge for the State of Indiana is clearly indicated in the memorandum and data submitted by the Administrative Office of the United States Courts. Moreover the bill has been recommended by the Judicial Conference of the United States at its annual meeting in 1949 (appendix 14).

An examination of the volume of litigation throughout the State of Indiana indicates a general trend of increase, both civil and criminal (appendix 9, table 1). Moreover, an analysis of the judicial statistics for this State over a period of years indicates that the trend upward in the volume of litigation is permanent and that the same will continue to increase unless the number of judges is increased.

This bill by providing for a roving judgeship will permit help in each of the two districts as the need for same arises.

It appears from the attachments that between the years 1941 and 1950 the total number of civil cases commenced in the State of Indiana is considerably more than the average in the 84 districts (appendix 9, table 2), so that the business of the 2 districts with the aid of a roving judge would more nearly compare to the general average of business throughout the 84 districts of the United States.

It is the opinion of the committee that the provision has merit and its enactment is recommended.

THE EASTERN AND WESTERN DISTRICTS OF MISSOURI

The bill provides for an increase in the permanent judgeships for the eastern and western districts of Missouri from one to two.

This provision, which has received the recommendation of the Judicial Conference of the United States at its meeting in September 1950, incorporates the provisions of S. 922 of the Eighty-second Congress.

The practical effect of this provision would be to make permanent the temporary district judgeship that is now in existence. It would, therefore, not amount to an increase in judge personnel for these districts.

The history of the judgeships for the two districts of Missouri and the business of the district courts for the two districts are shown in appendix 15 and its tables. The facts there contained make it plain that all the reasons which existed for creating the judgeship involved in 1942 are present today in greater measure, and that in order to prevent the delay which would otherwise occur in the appointment of a successor to the present judge if a vacancy should occur, and maintain the judicial strength of the two districts without interruption, the provision against the filling of the vacancy in the existing statute should be repealed as the bill provides, and the position made permanent. (See hearings and appendix 10.)

DISTRICT OF NEVADA

The bill provides for an increase in the number of district judgeships for the district of Nevada from one to two.

The places for holding court in this district, as provided by section 108, title 28, United States Code, are Carson City, Elko, Las Vegas, and Reno. The four places of holding court are served by one judge. The two most populous cities in the district are Las Vegas and Reno. While Carson City and Reno are close together, the distance from Reno to Elko is in excess of 200 miles, and the distances from Carson City and Reno to Las Vegas are in excess of 400 miles. It is noted that Nevada is the sixth largest State in area in the country. The distances traveled by the district judge tend to slow up the dispatch with which cases may be terminated in this district, even though the present judge is capable, hard-working, and industrious. An additional district judge in this district would make the facilities of the Federal court more readily available to the several widely separated Nevada communities, and to the attorneys who must serve them. Information in the file indicates that the division of work, while somewhat heavier in the northern section of the State, is amply sufficient in the southern part of the district to justify two judges.

Another consideration lies in the type of cases which arise in this district. Cases in water rights which are of paramount importance to the district are the type of cases that require a tremendous amount of time and energy for determination and are prone to run on for many years before a final adjudication is made. In this respect this district is similar to the district of Arizona, which is dealt with in a previous portion of this report.

In addition to the foregoing, the State of Nevada by reason of its liberal laws concerning incorporation requirements has a large business in corporate affairs, there being many nationally known corporations incorporated under the State law. This situation to a lesser extent

is similar to the conditions existing in the district of Delaware as it relates to incorporation law and is discussed in the proposals for an additional district judge in the district of Delaware, ante.

An examination of the statistics indicates that the number of cases pending before the court, and in the first half of 1951, was the same as in 1940 (appendix 11, table 1). The number of private civil cases pending showed an increase, from 1940 to 1951, of more than 27 percent (appendix 11, table 1). The number of private civil cases per judge increased, from 1940 to 1950, by over 33 percent (appendix 11, table 2).

An analysis of the foregoing cited statistics indicates that, while the total number of suits and actions was less than the national average, due to the facts above-mentioned, the court has been unable to reduce the backlog and in some categories a backlog has risen. Another consideration favoring creation of an additional district judgeship in this district is that the present district judge has been assigned on occasions to adjoining districts where congestion was acute and his services were needed. During these periods the district necessarily has been without the services of a district judge.

It will be noted that the type of cases filed in this district have been such that in 1949 and 1950 no tried cases were disposed of in less than 6 months (appendix 11, table 3).

The committee is of the opinion that in view of all of the foregoing an additional district judge for the district of Nevada is warranted.

THE SOUTHERN DISTRICT OF NEW YORK

The bill, as amended, provides for two temporary judgeships for this district.

Originally the bill provided for three permanent judgeships and two temporary judgeships to be added. The proposal for the five judges was recommended by the Judicial Conference of the United States and the Association of the Bar of the City of New York through its committee on courts of superior jurisdiction. Witnesses at the hearings have also testified as to the need for additional judges in this district.

A summary of the facts in this district discloses that the southern district of New York is without doubt the busiest district in the Federal judicial system and the range of cases is such as to have no parallel in any other district. The court is located in the greatest commercial and industrial section in the world and must deal constantly with long and involved patent situations, copyright actions and antitrust legislation, both public and private, and admiralty and maritime affairs of great importance, as well as criminal prosecutions of national and international interests.

Public Law 205, of the Eighty-first Congress, provided additional district judges for the southern district of New York. That law increased the judges in that district from 12 to 16, but a survey of the situation shows that this increase is not adequate.

In 1949, there was pending a total of 11,098 cases in the district. In 1950 this figure had increased to 11,134, and by the first half of 1951 the figure of pending cases rose to 11,383 (appendix 17, table 1).

In 1949 private civil cases numbered 7,838, and in the first half of 1951, that figure had increased to 8,750 (appendix 12, table 2).

The National average of cases commenced per judgeship is 222. For the southern district of New York the figure per judgeship is 326 (appendix 12, table 2).

In respect to private civil cases, the national average of cases commenced per judgeship is 113, and for the southern district of New York the number is 240 (appendix 12, table 2).

It will be noted from the foregoing that even with the increase of judges in the southern district of New York the pending case load has not been lessened. As a matter of fact, it has increased. That increase has been due to the increase in new cases together with the magnitude of some of the cases. In many of these cases long periods of time have had to be devoted by the judge to bring them to a successful termination. This situation, of course, will tend to slow up the dispatch with which the district's cases can be disposed of on the whole.

In 1941, the pending case load in the southern district of New York was 4,087, and that load has increased over the years until in 1951 the case load numbered 11,383, which is almost triple the 1941 figure.

However, the committee notes that there have been two vacancies in this district that have only recently received nominations. One such vacancy occurred on April 26, 1950, and the judge nominated to fill the vacancy took office on July 11, 1951. Another vacancy occurred on January 31, 1951, and the recent appointment to that vacancy has not as yet been confirmed. The long lapse of time in filling the vacancy that occurred in 1950, together with the lack of a judge for the vacancy which occurred in January of 1951, have no doubt contributed to the congestion above noted.

The committee is of the opinion that the filling of these vacancies will serve to relieve in great measure the backlog of the court.

The committee realizes, however, that the filling of these vacancies will not completely take care of the problem but does believe that the addition of two temporary judges will serve to relieve the adverse conditions to a great extent. It is not felt that five judges are required at this time or at least until a resurvey of the situation can be made after the additional judge power from the filling of the vacancies and the addition of two temporary judgeships has had an opportunity to be evaluated.

The committee therefore recommends the provisions of the bill relating to the southern district of New York, as amended, be approved.

THE EASTERN, MIDDLE, AND WESTERN DISTRICTS OF NORTH CAROLINA

The bill, as amended, provides for the creation of a district judgeship for the eastern, middle, and western districts of North Carolina. This judgeship would provide for a roving judge for all three districts.

At the present time there is one district judge in each of these districts so that this addition would give each district the judge power of one and one-third judges.

Since 1940 the number of pending civil cases in the eastern district has risen from 119 to 267. In the middle district for the same period the figure has risen from 65 to 101, and in the western district there has been only a slight increase from 152 to 155 for the period. (See appendix 13.)

While there has been only a slight increase in the western district, it is noted that there has been no gain in reducing the backlog in any district. On the contrary, in the eastern and middle districts there has been an increase in the backlog of cases pending to the extent of almost 100 percent since 1940.

On the criminal side the cases per judge for the eastern district amount to 730 as against a national average of 169 in 1950. For the same year the criminal cases per judge in the middle district was 454 as against the national average of 169, and in the western district for the same year the figure is 392 as against 169 for the national average.

The committee in its study of the conditions of these districts believes that a roving judge for all three districts is warranted in order to reduce the growing backlog and to guard against future increases of pending cases.

THE NORTHERN DISTRICT OF OHIO

The bill provides for an increase in the number of district judgeships for the northern district of Ohio from four to five.

This provision has received the recommendation and approval of the Judicial conference of the United States at its meeting of September 25-26, 1950.

Until a short time ago there has been a vacancy in this district. The vacancy has been filled, but a study of the statistics reveals that another judge in this district is needed.

In 1941, the pending case load of civil cases in this district numbered 584 and in the first half of 1951 that figure had increased to 1,271. In 1949, the figure was 1,025 and in 1950, 1,141 (appendix 14, table 1).

In 1941, the pending private civil cases numbered 463, and in the first half of 1951, they numbered 930. In 1949, the number was 648, and in 1950 it was 801. This situation shows a constant and definite increase in the backlog of cases for the northern district of Ohio. During the same period the private civil cases commenced has risen from 396 in 1941 to 671 in 1950, which partially accounts for the increase in the backlog (appendix 14, table 1).

The national average for cases commenced per judgeship in 1950 was 222; for the northern district of Ohio the figure was 281 (appendix 14, table 2).

The same situation is shown in connection with private civil cases where the national average of cases commenced per judgeship in 1950 was 113, whereas in the northern district of Ohio the figure was 168 (appendix 14, table 2).

The median time interval from filing to disposition of cases in the northern district of Ohio is also higher than the national average. From filing to disposition in 1950 the median time interval on a national basis was 11.2 months, while in the northern district of Ohio the figure is 14.7 months. From issue to trial in the same year the national average is 6.7 months and in the northern district of Ohio, it was 9.9 months.

The foregoing clearly indicates that if the northern district of Ohio is to keep its dockets current and to reduce the backlog, an additional district judge for this district is warranted.

THE EASTERN DISTRICT OF PENNSYLVANIA

The bill provides for an increase in the number of district judgeships for the eastern district of Pennsylvania from seven to eight.

This provision of the bill has the endorsement of the Judicial Conference of the United States.

Evidence at the hearings on S. 1203 clearly shows the need for this additional judgeship on a permanent basis.

In 1949 the Congress provided for two additional district judges for this district, but since their appointment only one has been able to do full-time work. The other judge appointed became seriously ill after having been in office about 6 months.

In 1949 pending civil cases were in the number of 2,490 and although two judgeships were added in 1951 the pending civil cases had risen to 2,988 (appendix 15, table 1). For the same period private civil cases pending have increased in number from 1,855 in 1949 to 2,200 in 1951.

As to private civil cases the statistics show that there are 168 cases per judge as against the national average of 113 per judge in 1950 (appendix 15, table 2).

Due to the fact that there is a judge in this district that is past the retirement age, a temporary judge would be of no real value to the work of this district.

A study of the evidence and statistics in this district indicates to the committee that the provision for an additional district judgeship for the eastern district of Pennsylvania is justified.

THE EASTERN, MIDDLE, AND WESTERN DISTRICTS OF PENNSYLVANIA

The proposed provision bears the favorable endorsement of the Judicial Conference of the United States, the Administrative Office of United States Courts, and the Department of Justice. It creates no additional judgeship, but on the contrary, under certain conditions will result in the diminution of one judgeship. The effect of the legislation would be, therefore, under those certain contingencies to abolish the so-called roving judgeship for the three Pennsylvania districts.

This is a measure which was recommended by the Judicial Conference of the United States at its annual meeting held in September of 1949 (p. 6 of the September 1949 report), and reaffirmed at its meeting in September 1950. The present judgeship for the eastern, middle, and western districts of Pennsylvania was created by an act approved July 24, 1946 (60 Stat. 654). The act contained a proviso that when a vacancy occurred in the judgeship so created, it should not be filled. When the law was passed there were two permanent judgeships for the middle district of Pennsylvania, five for the eastern district and three for the western district. At that time the number of judges in both the eastern and western districts was inadequate for the amount of business of the courts, and the provision that the judge authorized for the middle district should also be a judge for the eastern and western districts was logical.

The judge appointed under the law was a resident of Lewisburg, in the middle district, and he has made his headquarters in that city. He has given a considerable portion of his time since his appointment to service in the eastern and western districts of Pennsylvania, prin-

cipally in the eastern district. The law passed, however, at the first session of the present Congress (Public Law 205, approved August 3, 1949) provided for two additional permanent judges for the eastern district and one additional judge on a temporary basis for the western district which has since been made permanent.

There have been two permanent judgeships for the middle district of Pennsylvania since 1929 and there is no question that two district judges are needed and will be permanently needed to handle the business of that district. Information concerning the business of this and the other districts of Pennsylvania and concerning the judgeships for the three districts is contained in tables prepared by Mr. Shafroth, Chief of the Division of Procedural Studies and Statistics of the Administrative Office of the United States Courts.

The pending provision if enacted will continue the present number of judges for the middle district by providing that the incumbent of the judgeship for the three districts shall fill the vacancy arising when one occurs on account of the retirement, resignation, or death of either of the district judges who are presently judges for the middle district alone. At the time the present judge for the three districts of Pennsylvania will become a judge for the middle district only and cease to be a judge for the eastern and western districts. At the same time the "roving" judgeship for the three districts will lapse under the terms of the act of 1946 creating it. The present incumbent of that judgeship who will thenceforth be a judge for the middle district, will still be subject to assignment by the chief judge of the third circuit of which the districts in Pennsylvania are a part, to sit in the eastern and western districts if there is need under the provision of section 292 (b) of title 28 of the United States Code. But his regular sphere of duty will be only in the middle district.

Since the pending bill will reduce by one the number of district judges for the three districts of Pennsylvania whenever a vacancy occurs in the middle district, it consequently will be a measure of economy.

As the proposed legislation is designed to assist the Judiciary in the internal administration of its district judgeships (besides its economy features), the committee is of the opinion that it should be recommended favorably for enactment.

(Appendix 16 contains the reports on this same subject from the Department of Justice and the Administrative Office of the United States Courts in connection with the bill S. 3480 of the 81st Cong.)

MIDDLE AND WESTERN DISTRICTS OF TENNESSEE

The bill, as amended, provides for the creation of a district judgeship for the middle and western districts of Tennessee.

The Judicial Conference of the United States at its meeting September 25-26, 1950, recommended the increase of one judgeship for the middle district of Tennessee with the proviso that the first vacancy occurring in this district shall not be filled. The present provisions of S. 1203 provides for the additional judgeship on a permanent basis and thus incorporates the provisions of S. 88 of the Eighty-second Congress.

S. 3467 of the Eighty-first Congress provided for an additional judge for the middle district of Tennessee and hearings were had on that

bill. The situation at the present time has not changed materially from that which existed at the time of the hearings on S. 3467.

It will be noted from appendix 20, table 1, in reference to the middle district of Tennessee that the number of civil cases pending, both United States and private, went up substantially from the end of the fiscal year 1948 into the first half of the current fiscal year, 1951. This was true of both United States civil cases and private civil cases. The number of civil cases pending went up from 123 to 312. The same condition applied to United States civil cases and private cases and is the result of the disability of Judge Davies and the impossibility of compensating for his absence from the court by such assignments of outside judges as could be made.

There is another factor which is significant in reference to the business of the district under consideration: That is the number of land condemnation trials brought in the court for that district. During the war and for several years thereafter, there were a number of such trials. The practice in Tennessee is to include many tracts of land in one case so that the burden on the court of condemnation work is not adequately reflected in the number of cases. Judge Davies informs the Administrative Office of the United States Courts that for the Center Hill Reservoir area, 441 tracts of land are being condemned. Thus far there have been only five trials in relation to that project. But Judge Davies states that there are 135 cases at issue which will probably have to be tried, and that inasmuch as several of the condemnation cases have been filed recently there will probably be many more at issue. Judge Davies has reported that he expects altogether it will be necessary to try from 175 to 200 cases in the Center Hill area.

Judge Davies calls attention to the fact that two more projects have been authorized by Congress, namely, the Stone River Dam and Reservoir and the Harpeth River Dam and Reservoir, both of which are in the middle district of Tennessee. While these projects have not yet gone much further than the survey stage, Judge Davies states that the engineers hope to start condemnation proceedings on the Stone River project within the next year. He expects that there will be a large number of condemnation trials in the two projects which will further increase the work of the district court for the district.

As stated, hearings have been held on this matter before a subcommittee of the Senate Committee on the Judiciary, which were made a part of the hearings on S. 1203 and which reveal the truth of the foregoing. In this connection, it might be noted that Judge Davies has testified that the figures hereto attached do not exactly reflect the case load of the court. For example, Judge Davies states that according to the statistical records kept by the Administrative Office the court got credit for disposing of 1 case in which 149 tracts of land were tried. These tracts were all tried in 1 case, but it necessitated 149 separate jury trials and a jury verdict in each case, which, of course, indicates that there was a tremendously greater volume of work involved than is reflected in the item of 1 case disposed.

The committee has studied all of the facts relative to this matter and has concluded that there is a definite need for an additional district judge for the middle district of Tennessee. In the consideration of this district it was urged by Senator Kefauver that the services of

this judge should be allocated to the western district of Tennessee as well as to the middle district; and on Senator Kefauver's motion the committee amended the bill in order to provide for a district judge for the middle and western districts of Tennessee. Statistics on the middle district of Tennessee appear in appendix 17.

THE SOUTHERN DISTRICT OF TEXAS

The bill provides for an increase in the judgeships for the southern district of Texas from three to four.

Public Law 205 of the Eighty-first Congress made provision for a temporary judge for this district. This judge has been serving during 1950.

Enactment of this provision would make permanent the judgeship which is now temporary and would not actually increase the number of judges now serving in the district.

The statistical tables indicate that the case load and work of this court requires the continued services of the four judges on a permanent basis.

In 1940, civil cases pending numbered 221 and in the first half of 1951 the figure was 1,037. This showed a slight drop over the year 1950, when the figure was 1,072 (appendix 18, table 1).

In 1950, there was terminated an all-time high of civil cases for this district when 1,330 cases were disposed of. So far in 1951, 461 have been terminated, but even with this, the total case load has been reduced only slightly (appendix 18, table 1).

The same situation exists in relation to private civil cases. In 1940, the pending case load was 161, and in the first half of 1951, it was 526. The 526 figure is only a slight reduction of the figure for the previous year (1950) of 543 (appendix 18, table 1).

Before the 2 judges were added by Public Law 205, the criminal case load per judge was 1,121, as against a national average of 177 per judge in 1949. Even with the additional judges, the case load per judge was only reduced to 700 as against the national average of 169 per judge for 1950 (appendix 21, table 2).

Pending civil cases per judge for this district in 1950 numbered 198 as compared to a national average of 113 per judge.

These figures and a study of the facts indicate that the southern district of Texas has sufficient business now and in the foreseeable future to warrant making its permanent complement of judges four instead of three.

EASTERN DISTRICT OF TEXAS

The bill provides for an increase in the number of district judgeships in the eastern district of Texas from one to two.

This provision of the bill has been recommended and approved by the Judicial Conference of the United States at its meeting on September 25-26, 1950.

More private civil cases were filed per judge in the eastern district of Texas in 1949 than in any other district in the United States except the southern districts of Texas and New York.

The number of civil cases filed in the fiscal year ending June 30, 1950, was 475, which was 42 more than in 1949, and was 50 percent above the 1941 figure of 313 (appendix 19, table 1).

While this figure was exceeded in 1945, 1946, and 1947, those were years in which a large number of OPA cases were filed which took a comparatively small amount of court time for disposition. The number of private civil cases reached a new high for the decade in the fiscal year 1950 with 362 private cases as compared with 308 in 1949 (appendix 22, table 1).

The number of criminal cases filed also increased from 138 in 1949 to 222 in 1950 (appendix 19, table 1).

Comparing these figures with the national average, the total number of civil cases filed in 1950 was over twice the national average of cases filed per judge, and the number of private civil cases over three times the national average per judge (appendix 22, table 2). There were 222 criminal cases filed compared with a national average per judge of 169 (appendix 19, table 2).

There is a large amount of condemnation business in this district. This is not adequately reflected in statistical tables because a number of separate tracts are often included in a single case. In a letter which Judge Bryant wrote about a year ago he made this statement with reference to the condemnation cases:

The real dominating factor in my consideration of this matter, and according to my outlook for the future, is the very hard reality that the Government is daily filing suits looking to the condemnation of approximately 300,000 acres of land in widely scattered areas, and anyone with a grain of common sense knows the great volume of work which this will entail in litigation over contests of values, hearings upon the distribution of funds, and the innumerable other details of administration incident to matters of this kind.

It should be added that a bill to provide an additional judge in this district was passed by the House at the last session with a provision that the first vacancy should not be filled. This was after a favorable report by the House Judiciary Committee (Rept. No. 2532, 81st Cong., 2d sess.).

The conditions existing in the courts for the eastern district of Texas clearly indicate that with the present case load per judge in that district that it is essential for the proper disposition of the judicial business of the district to have the additional judge provided for in this bill on a permanent basis.

THE EASTERN DISTRICT OF VIRGINIA

The bill provides for an increase in the number of district judges in the eastern district of Virginia from two to three.

The statistical tables for this district show that in 1940 the total civil cases filed was 109 per judge as against 153 per judge in the 84 districts. That figure has risen in this district to 303 in 1950 compared to 222 for the national average (appendix 20, table 2). Pending civil cases had risen from 166 in 1940 to 697 in 1951 (appendix 20, table 1). Private civil cases had risen from 97 in 1940 to 244 in 1951 (appendix 20, table 1).

Private civil cases per judge in the district in 1950 numbered 154 as compared with the national average of 113 in the same year (appendix 20, table 2).

In the 84 districts in 1948 it took on the average 9.9 months from filing to disposition of a case. In this district the figure for the same period was 13.7 months. In 1949 and 1950 the reverse has been true

and the time taken in this district from filing to disposition was less than the national average (appendix 20, table 3).

But in spite of the obviously increased efficiency of the court, pending cases have increased so that without additional aid the probability of keeping the dockets current, to say nothing about reduction of the backlog, appears to be slight.

Again the committee expresses its concern over the congestion of the Federal courts that has come to its attention, and feels that the matter is one to be gravely considered.

In line with its attempt by this legislation to alleviate this widespread congestion of the courts, the committee recommends for favorable consideration the provision for an additional district judgeship for the eastern district of Virginia.

THE WESTERN DISTRICT OF WASHINGTON

The bill, as amended, provides for an increase in the number of district judgeships for the western district of Washington from two to three.

A further provision of the bill which provided for the abolition of the judgeship for the eastern and western districts of Washington has been deleted from the bill.

A further provision of the bill incorporates the provisions of S. 638 of the Eighty-second Congress and provides that in addition to Tacoma, court for the southern division of the western district shall be held at one other place in such division as may be designated by the district judges for the western district of Washington. The Judicial Council does not approve of this provision and the Department of Justice considers it a matter of legislative policy (appendix 21).

In 1940, the civil case load pending in this district was 329, and in the first half of 1951 the pending case load has risen to 444 (appendix 21, table 1). In 1940, the pending case load of private civil cases was 160, and in the first half of 1951, the pending case load for such cases was 192 (appendix 21, table 1).

In 1940, pending civil cases in which the United States was a party, numbered 169, and in the first half of 1951, the figure had risen to 252. The pending case load has risen in spite of the fact that the total cases filed per judge in the western district of Washington is less than the total cases per judge in the 84 districts (appendix 21, table 2).

The Washington State Bar Association recommends (1) that an additional judgeship be created for the western district of Washington; (2) that the present law providing that one Federal district judge in Washington be appointed for both eastern and western districts be amended to eliminate the eastern district jurisdiction of said judgeship; (3) that no changes be made in the judicial district of the State; and (4) that no changes be made in places holding court, but that a study be made looking to the establishing in the near future of a place of holding court in southwestern Washington.

The statements and testimony indicate to the committee that there is a definite need for an additional judgeship for the western district of Washington and in order to provide for the efficient dispatch of the business of the western district of Washington it is necessary and warranted to establish an additional place for holding terms of court in the western district of Washington.

THE NORTHERN AND SOUTHERN DISTRICTS OF WEST VIRGINIA

The bill provides for the creation of a new "roving" judgeship to serve the northern and southern districts of West Virginia.

In actuality this provision simply writes into permanent law a temporary judgeship now existing in this district.

The bill further provides that if, while the present incumbent of this "roving" judgeship is holding his office in the northern and southern districts of West Virginia, a vacancy arises in the office of district judge for the northern district of West Virginia, such "roving" judge shall thereupon become a district judge for the northern district of West Virginia.

The reason for this provision lies in the fact that when the act providing for the "roving" district judge for the northern and southern districts of West Virginia (49 Stat. 1805), was approved it carried such a provision, and the passage and approval of the revision of title 28 of the United States Code, approved June 25, 1948, operated to repeal that law. This provision merely reinstates the former law in this respect.

A study of the statistical tables for this district reveals that the case load per judge is less than the national average in all cases (appendix 22, table 2). It must be remembered though that if there is a loss of the services of the present judge the case loads will immediately increase by 50 percent for each judge in the districts.

The testimony further indicates that to drop back to the two permanent judges would only mean a retreat to the conditions in existence at the time this temporary judgeship was created.

This would automatically bring the case loads to a figure higher than the national average for the districts.

The committee is of the opinion that this situation is not to be desired and that the situation as it now exists should be made permanent.

REQUIRING THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN (NORTHERN DIVISION) TO SIT DURING A PART OF ITS TERM AT FLINT, MICH.

The bill would provide for an amendment to section 102 (a) (2) of title 28 of the United States Code so as to include Flint, Mich., as a place for holding court in the northern division of the eastern district of Michigan.

A similar bill, S. 1747, of the Eighty-first Congress, was reported favorably by the committee and passed the Senate. However, no action was taken in the House. S. 126 of the Eighty-second Congress, is a similar bill and its provisions are incorporated in S. 1203.

The present law provides that court shall be held at Bay City and Port Huron in the northern division of the eastern district of Michigan. The city of Flint, located in the eastern district, is the third largest city in the State of Michigan, the two larger cities being Detroit and Grand Rapids. Detroit is also in the eastern district of Michigan, but in a different division, which makes Flint the largest city in the northern division of the eastern district. Presently, litigants and those required to attend court must travel from Flint to Bay City, Mich., which is a distance of approximately 50 miles.

The Administrative Office of the United States Courts indicates that as a general rule the judicial conference views the situation that less court seats rather than more is the present objective. This is due to better traveling facilities and also from the standpoint of better economy and efficiency. They, however, state that the matter is one of policy for the determination of Congress. The report of the Department of Justice parallels that of the Administrative Office.

Inasmuch as Flint is the third largest city in the State of Michigan, and since it is the largest city in the division affected, it would appear that the greatest amount of judicial business should come from that particular area in which case the establishment of a court in Flint would be the justified exception to the rule. It will be noted that the Congress acted upon a somewhat similar situation in passing H. R. 5287, of the Eighty-first Congress, which was for the creation of a division in the southern district of Georgia, known as the Swainsboro division, with the terms of court to be held at Swainsboro. It would appear that the necessity in that instance very much parallels the situation in Flint.

In view of the foregoing, the committee believes that the provision is meritorious and recommends that it be enacted.

(The reports of the Administrative Office of the United States Courts and of the Department of Justice on this item are contained in appendix 23.)

AMENDMENT TO SECTION 371, TITLE 28, OF THE UNITED STATES CODE

Section 371 of the United States Code provides in effect that the President has the power of appointing a new judge where an existing judge is totally disabled from service on the bench, only when the incumbent has reached the age of 70.

Section 372 of the United States Code provides that a judge who becomes permanently disabled from performing his duties may retire and the President may appoint a successor.

Thus, unless a judge decides to retire under the age of 70, though he be disabled in such a manner that he cannot perform his duties, no replacement can be made.

The Ninth Circuit Council has petitioned that the code be amended to take care of this situation. The judges of the ninth circuit have unanimously given their approval to this provision as stated by Chief Judge William Denman in a letter to Senator Pat McCarran dated February 2, 1951 (appendix 24).

The committee has studied this situation and has come to the conclusion that the provision is meritorious. There appears to be no reason why, if a judge is permanently disabled from performing his duties, he should be allowed to remain in an active status until he reaches the age of 70. In such circumstances, he should retire. The present law only operates, where on occasion disablement has deprived litigants and the public of the services of a judge, to prevent the logical step, the appointment of another judge to replace him.

The committee considers this amendment to be meritorious and recommends its passage. In order to carry out the intent of the provision in H. R. 3899 as it relates to section 371 of the United States Code wherein the paragraphs have been numbered (a), (b), and (c) and the fifth paragraph has been amended to extend the final paragraph

APPENDIXES

APPENDIX I

MEMORANDUM CONCERNING THE BUSINESS OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

At the present time the court of appeals for the fifth circuit has six judgeships. The last change in the number of judgeships for this court occurred when the act of December 14, 1942 (56 Stat. 1050), created a new judgeship and raised the number from five to six.

By comparison with the other circuits and also on a judgeship basis the court of appeals for the fifth circuit has a very heavy case load.

In the number of appeals filed each fiscal year, the fifth circuit has been consistently next to the highest throughout the last decade. During the 10-year period from July 1, 1940, to June 30, 1950, the circuit was second in the number of appeals filed every year except for the fiscal year 1948, when it was first. The greatest number of cases filed in any one year was in 1949, when 453 appeals were docketed. In 1950, 408 appeals were filed. A volume in excess of 400 is indicated for the fiscal year 1951, as our latest reports show that 317 appeals were filed during the first 9 months of this year. Table 1 shows the number of cases filed in each circuit during the last 10 fiscal years. Table 2 shows the number of appeals commenced and terminated in the fifth circuit during the same period, and the number pending at the end of each fiscal year. For the last 2 years the number of cases pending at the end of the year has been around 40 percent higher than for the previous 6 years.

On the basis of the number of appeals filed per judgeship, the fifth circuit had the highest average for any circuit for the fiscal year 1950, when 68 cases per judgeship were docketed, a number over one-half greater than the average case load for all circuits of 43.5 cases per judgeship.

The following tabulation shows the case load per judgeship of cases filed for all circuits in 1950, arranged according to their rank:

Circuit	Number of judgeships	Number of cases filed	Number of cases filed per judgeship
Total, all circuits	65	2,830	43.5
Fifth circuit	6	408	68.0
Fourth circuit	3	196	65.3
Second circuit	6	318	53.0
District of Columbia circuit	9	434	48.2
Seventh circuit	6	274	45.7
Ninth circuit	7	317	45.3
Sixth circuit	6	238	39.7
Tenth circuit	5	158	31.6
Eighth circuit	7	184	26.3
First circuit	3	67	22.3

Probably a more accurate analysis of the workload of a circuit court is obtained by using as a base the number of appeals disposed of after a hearing or upon submission, excluding from consideration those appeals which are docketed and dismissed before the court acts upon them. During the last 10 years (fiscal years 1941 to 1950, inclusive), 29,200 cases were terminated in the courts of appeal of which 21,185, or 72.6 percent, were given a hearing or taken under submission, the remainder being dismissed before hearing or submission. In the fifth circuit, however, the percentage of cases terminated which were heard or taken under

submission was 76.7, or 4 percentage points higher than the national average. In other words, for every 100 cases terminated, the Fifth Circuit Court of Appeals heard or took under submission 4 more cases than were heard or submitted in all circuits during the 10-year period.

Reducing the number of cases terminated after hearing or submission to an average per judgeship again shows the fifth circuit court with a high workload.

The following tabulation shows the number of such cases terminated per judgeship for all circuits in 1950, arranged according to their rank:

Circuit	Number of judgeships	Number of cases terminated after hearing or submission	Number of cases terminated after hearing or submission, per judgeship
Total, all circuits.....	65	2,355	36.2
Fourth circuit.....	3	171	57.0
Fifth circuit.....	6	340	56.7
Second circuit.....	6	292	48.7
Seventh circuit.....	6	225	37.5
Ninth circuit.....	7	257	36.7
Tenth circuit.....	5	179	35.8
Third circuit.....	7	237	33.9
Sixth circuit.....	6	192	32.0
District of Columbia circuit.....	9	240	26.7
First circuit.....	3	69	23.0
Eighth circuit.....	7	153	21.9

Just as the fifth circuit showed a case load per judgeship of appeals filed that was over 50 percent greater than the average for all circuits, so in cases terminated after a hearing or submission, the fifth circuit, with almost 57 cases per judge compared with 36 for all circuits, is again 50 percent above the national average.

In the above tabulation it is interesting to note that five circuits (the seventh, ninth, tenth, third, and sixth) with case-load averages of 37.5 to 32.0 per judgeship, all cluster closely about the national average of 36.2 cases per judgeship. But circuits with a higher average than the national mean, of which the fifth circuit is one of three, have significantly higher averages, indicating a greater burden on their individual judges.

Despite a heavy case load, the fifth circuit has been able to maintain a good record in respect to the length of time required to dispose of cases. Table 3 gives the median time interval from docketing¹ to final disposition, from filing of last brief to hearing or submission, and from hearing or submission to final order, for all circuits and for the fifth circuit, for the last 9 years. A glance at this table indicates that for the last 2 or 3 years of this 9-year period the fifth circuit has been losing some ground, and it is reasonable to assume that the circuit's heavy case load is primarily responsible.

In 1950 the median time interval from filing of complete record to final disposition was 7.1 months for all circuits and for the fifth circuit was 7.9 months. This was the first time in 7 years that the fifth circuit median was greater than the median for all circuits. The median time from filing of last brief to hearing or submission has been longer for the fifth circuit than for all circuits for the last 4 years. In 1950 the median for all circuits was 0.7 of a month; for the fifth circuit it was 1.0 month. During the last 3 years the median time from hearing or submission to final decision or order in the fifth circuit has been shorter than the median for all circuits, but in 1950 the difference was negligible, being 1.5 months for all circuits and 1.4 months for the fifth circuit. The 1.4 months for the fifth circuit was an increase of .04 month over the circuit median for the fiscal years 1948 and 1949.

Respectfully submitted,

ORIN S. THIEL,

Assistant Chief, Division of Procedural Studies and Statistics.

June 5, 1951.

¹ For the year 1948 and thereafter, the date of filing of complete record has been used instead of the date of docketing, which was used prior to that year. This change was made to eliminate the effect on the median of different docketing practices in the various circuits.

30 APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

TABLE 1.—*Business of the U. S. Courts of Appeals, 1941–50—Cases commenced during each fiscal year with number of cases pending at beginning and end of 10-year period, by circuit*

Circuits	Pend- ing July 1, 1940	Cases commenced										Pend- ing June 30, 1950
		1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	
Total.....	1, 678	3, 213	3, 228	3, 093	3, 072	2, 730	2, 627	2, 615	2, 758	2, 989	2, 830	1, 675
District of Columbia.....	200	271	345	270	280	282	291	264	348	463	434	371
First.....	46	88	100	119	106	83	76	98	77	76	67	22
Second.....	157	533	501	499	595	466	425	378	381	344	318	87
Third.....	170	285	292	353	276	299	197	266	287	254	236	135
Fourth.....	55	160	137	155	148	124	108	128	147	167	196	63
Fifth.....	149	406	383	347	354	329	301	324	394	453	408	249
Sixth.....	271	322	283	276	244	205	236	210	227	218	238	125
Seventh.....	209	339	327	284	281	241	259	282	230	273	274	182
Eighth.....	156	328	281	305	255	213	271	194	189	206	184	114
Ninth.....	179	295	333	296	342	267	285	312	284	319	317	251
Tenth.....	86	186	246	189	191	221	178	159	194	216	158	76

TABLE 2.—*Cases commenced and terminated in the U. S. Court of Appeals for the Fifth Circuit during the fiscal years 1941–50*

Fiscal year	Cases com- menced	Cases ter- minated	Cases pend- ing at end of year
1941.....	406	308	174
1942.....	383	345	212
1943.....	347	411	148
1944.....	354	327	175
1945.....	329	329	175
1946.....	301	295	181
1947.....	324	335	170
1948.....	394	376	188
1949.....	453	382	259
1950.....	408	418	249

TABLE 3.—*Median time intervals in cases terminated after hearing or submission in all U. S. Courts of Appeals, and in the U. S. Court of Appeals for the Fifth Circuit, for the fiscal years 1942 to 1950, inclusive*¹

Fiscal year	[Months]					
	From docketing to final disposition ²		From filing last brief to hearing or submission		From hearing or sub- mission to decision or final order	
	All circuits	Fifth circuit	All circuits	Fifth circuit	All circuits	Fifth circuit
1942.....	7.7	7.9	0.5	0.3	1.5	0.9
1943.....	6.5	6.7	.4	.2	1.4	.9
1944.....	6.5	5.7	.5	.2	1.5	.8
1945.....	7.0	6.2	.4	.2	1.4	.9
1946.....	6.8	6.5	.4	.4	1.5	1.0
1947.....	6.9	6.7	.5	.7	1.5	2.3
1948.....	6.3	6.2	.4	.8	1.6	1.0
1949.....	7.1	6.4	.7	1.3	1.6	1.0
1950.....	7.1	7.9	.7	1.0	1.5	1.4

¹ The median time interval for the various steps given in this table is arrived at by arranging all cases disposed of during the year after hearing or submission in the order of time required. The median time is the time required for the middle case of the series.

² The date of filing complete record in the court of appeals has been used for the years 1948 and thereafter, instead of the date of docketing, because of differences in docketing practices in the various circuits.

APPENDIX 2

MEMORANDUM ON THE JUDICIAL BUSINESS OF THE THIRD DIVISION OF THE DISTRICT OF ALASKA, JANUARY 13, 1950

The first United States District Court for the Territory of Alaska was established by an act approved June 6, 1900.¹ This act provided three judges and three divisions with prescribed terms of court at Juneau and Skagway for the first division, at St. Michaels for the second division and at Eagle City for the third division.

Under the provisions of a statute approved March 3, 1909,² a fourth division and a fourth judgeship were created and it was provided that statutory terms of court should be at Juneau, Nome, Valdez, and Fairbanks and such other places within each division as the judge within the division should direct. By statute approved March 2, 1921,³ the boundary between the first and second divisions was slightly altered, and by a statute approved June 1, 1948,⁴ the boundary between the third and fourth divisions was also changes, but otherwise the divisions have remained as they were under the 1909 statute. By act of November 22, 1943 (ch., 304, 57 Stat. 591), it was provided that one general term of court should be held at Juneau in the first division, Nome in the second division, Anchorage in the third division and Fairbanks in the fourth division, "and such additional terms at other places * * * as the judicial council for the Ninth Judicial Circuit may direct." Most of the business of the Territory is concentrated at the places mentioned. H. R. 3775, introduced by Mr. Bartlett, the Delegate from Alaska, would authorize an additional judge for the third division. The creation of this judgeship has been recommended by the Territorial legislature,⁵ by the Judicial Conference of the Ninth Circuit at its meeting in July 1949 and by the Judicial Conference of the United States at its meeting September 22-24, 1949, in Washington, D. C.

A table showing cases commenced and terminated in this Division for the last 10 years is appended hereto. Civil cases terminated and pending during the period have been as follows:

Fiscal year	Com- menced	Termi- nated	Pending June 30	Fiscal year	Com- menced	Termi- nated	Pending June 30
1940-----	198	193	110	1945-----	321	345	217
1941-----	248	218	140	1946-----	369	310	276
1942-----	289	225	204	1947-----	436	317	295
1943-----	317	295	226	1948-----	462	423	334
1944-----	320	305	241	1949-----	546	414	466

From this table it is apparent that there has been a large and steady increase in the civil business of this district during the last decade. For the first 5 months of the current fiscal year, that is from July 1 to November 30, the increase has continued as 295 civil cases were filed during that period as compared with 222 during the same period a year previous. The number of terminations during the first 5 months of the current fiscal year was 253 leaving a pending case load of 508 cases as of November 30, 1949, a new high. (See table 2 appended for number and types of cases pending on September 30, 1949.) From the table above it further appears that in only 1 year of the decade, 1945, were as many cases terminated as were commenced with the result that the pending case load has been constantly increasing. On June 30, 1940, it stood at 110. By June 30, 1943, it had more than doubled and stood at 226. During the next 2 years it remained about the same but a steady increase since 1945 brought it up to 466 on June 30, 1949 or more than four times the pending civil case load 10 years earlier. It is this situa-

¹ 31 Stat. 322.

² 35 Stat. 839.

³ 41 Stat. 1203.

⁴ 62 Stat. 283-284.

⁵ "Your memorialist, the Legislature of the Territory of Alaska, in eighteenth session assembled, respectfully submits that: Whereas, there is only one United States district judge for the third judicial division (Anchorage), Territory of Alaska; and, whereas, the population of said division has tremendously increased during the past 5 years to the point where it is now the most populous division in Alaska; and, whereas, the judicial duties in said division have expanded beyond the capacity of any one judge, and now require and demand the establishment of a second judgeship in said division to meet the need, whereas, Valdez, Alaska, is the most centrally located municipality in the third division; now, therefore, your memorialist urges and recommends that legislation be enacted to provide for two United States district judges instead of only one, for the third judicial division, Territory of Alaska, and that said additional district judge be located at Valdez, Alaska." Approved March 27, 1947.

tion which has caused the recommendations for an additional judgeship and the introduction of a bill to provide for one. The criminal docket is not heavy and though it has increased during the decade, with only 61 criminal cases pending at the end of the year, it is evident that this docket is current.

The territory of this division is extensive and although most of the business is at Anchorage, the judge normally sits at least once a year at Cordova and from time to time at Seward, Valdez, and Kodiak, at each of which points cases may be filed. Furthermore, in this district there is a so-called floating court: that is, a boat which during May or June visits ten or a dozen small points within the division. Court may be held on the boat or in local courtrooms where any are available.

The business of this division is considerably larger than that of any other division in the Territory. The following table gives a comparison of the number of civil and criminal cases filed in each of the four divisions during the past three fiscal years:

Division	Civil cases filed			Criminal cases filed		
	1947	1948	1949	1947	1948	1949
Alaska, total.....	851	1,060	1,185	172	232	220
First division.....	227	298	276	42	53	56
Second division.....	35	48	52	16	16	20
Third division.....	436	462	546	65	99	95
Fourth division.....	153	252	311	49	64	49

From this table it is evident that the number of civil cases filed in the third division is much larger than in any other division and almost as large as in all three of the other divisions put together. The trend in criminal cases is similar.

Since the district court in Alaska has local as well as Federal jurisdiction, the case load per judge cannot be readily compared with that of other district courts in the United States. The following breakdown of civil cases filed by nature of suit shows that divorce cases constitute almost half of the total business.

ALASKA, THIRD DIVISION

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	248	218	140
1942.....	289	225	204
1943.....	317	295	226
1944.....	320	305	241
1945.....	321	345	217
1946.....	369	310	276
1947.....	436	317	295
1948.....	462	423	334
1949.....	546	414	466
1950.....	676	607	535
1951 (first half).....	398	342	591
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	5	5	4	243	213	136
1942.....	17	13	8	272	212	196
1943.....	29	13	24	288	282	202
1944.....	39	25	38	281	280	203
1945.....	18 (9)	26	30	303	319	187
1946.....	17 (13)	24	23	352	286	253
1947.....	16 (7)	15	24	420	402	271
1948.....	13	22	15	449	401	319
1949.....	19	12	22	527	402	444
1950.....	12	9	25	664	598	510
1951 (first half).....	9	15	19	389	327	572
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending June 30
1941.....	61	52	16
1942.....	57	57	16
1943.....	63	68	11
1944.....	70	49	32
1945.....	83	90	25
1946.....	99	82	42
1947.....	65	63	42
1948.....	99	98	46
1949.....	95	78	61
1950.....	145	132	74
1951 (first half).....	36	54	50
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

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Cases filed in the third division of the District of Alaska, fiscal year 1949, by nature of suit

Civil:		Federal question.....	4
Total cases.....	546	FLSA.....	1
United States cases.....	19	Other Federal question.....	3
Private cases.....	527		
United States plaintiff.....	9	Admiralty.....	4
Land condemnation.....	1	Local jurisdiction.....	519
Other enforcement.....	4	Insurance.....	6
Other forfeitures.....	3	Contract.....	138
Other United States plaintiff.....	1	Torts.....	34
United States defendant.....	10	Real estate.....	44
Habeas corpus.....	2	Divorce, etc.....	258
Tort Claims Act.....	3	Other.....	39
Other United States defendant.....	5		

During the fiscal year 1949 Judge Dimond received assistance from Judge Folta, of the first division, who sat in Anchorage during part of November and most of December 1948; and from Judge Pratt of the fourth division, who sat in Anchorage during most of the month of March 1949. During November and December 1949 Judge Folta spent almost a month holding court at Anchorage.

The above facts indicate the need for the judgeship recommended by the Judicial Conference of the United States which is provided for in H. R. 3775.

Respectfully submitted.

WILL SHAFROTH,
Chief, Division of Procedural Studies and Statistics,
Administrative Office of the United States Courts.

APPENDIX 3

DISTRICT OF ARIZONA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the District of Arizona for the fiscal years 1940–50 and for the first half of fiscal year 1951

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1940.....	150	141	107
1941.....	149	138	118
1942.....	158	145	131
1943.....	195	150	176
1944.....	267	238	205
1945.....	193	176	222
1946.....	316	225	313
1947.....	261	302	272
1948.....	208	264	216
1949.....	241	242	215
1950.....	261	234	242
1951 (first half).....	104	103	247

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	94	82	46	56	59	61
1941.....	89	85	50	60	53	68
1942.....	112	84	78	46	61	53
1943.....	142 (4)	97	123	53	53	53
1944.....	203 (84)	183	143	64	55	62
1945.....	131 (37)	121	153	62	55	69
1946.....	246 (145)	172	227	70	53	86
1947.....	175 (79)	237	165	86	65	107
1948.....	98 (33)	177	86	110	87	130
1949.....	153 (27)	123	116	88	119	99
1950.....	154	133	137	107	101	105
1951 (first half).....	55	62	130	49	41	113

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	484	451	98	74	86	51
1941.....	414	463	49	87	65	73
1942.....	550	510	89	80	90	63
1943.....	684	631	142	36	60	39
1944.....	745	734	63	17	18	38
1945.....	745	580	228	8	19	27
1946.....	800	809	219	9	14	22
1947.....	² 982	² 1,130	68	30	17	35
1948.....	² 733	² 688	117	54	9	80
1949.....	² 889	² 851	133	72	9	143
1950.....	² 1,209	² 1,128	195	116	48	211
1951 (first half).....	² 770	² 772	180	48	8	251

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

DISTRICT OF ARIZONA—Continued

TABLE 2.—Case load per judgeship for the district of Arizona for the fiscal years 1940 to 1948, inclusive

Fiscal year	Number of judges, Arizona	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Arizona	84 districts	Arizona	84 districts
1940.....	2	75	153	242	178
1941.....	2	75	164	207	165
1942.....	2	79	168	225	174
1943.....	2	98	158	342	190
1944.....	2	134	169	328	211
1945.....	2	97	295	373	209
1946.....	2	158	321	400	171
1947.....	2	131	271	491	173
1948.....	2	104	205	367	167
1949.....	2	121	238	445	177
1950.....	2	131	222	605	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge	
	Total		OPA		Other United States		Total	
	Arizona	84 districts	Arizona	84 districts	Arizona	84 districts	Arizona	84 districts
	Arizona	84 districts	Arizona	84 districts	Arizona	84 districts	Arizona	84 districts
1940.....	47	72			47	72	28	81
1941.....	45	83			44	83	30	82
1942.....	56	91			56	91	23	77
1943.....	71	100	2	12	69	88	27	58
1944.....	102	113	42	37	60	76	32	56
1945.....	66	238	19	160	47	78	31	57
1946.....	124	251	73	174	51	77	35	70
1947.....	87	162	39	84	48	78	43	109
1948.....	49	87	16	20	33	67	55	117
1949.....	77	118					44	121
1950.....	77	109					54	113

NOTE 1.—Land-condemnation cases tried: 1945, 3; 1946, 1; 1947, 6; 1948, 2; 1949, 1; 1950, 0.

NOTE 2.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-48 in which a trial was held in the district of Arizona (not including land condemnation, habeas corpus, and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	32.4	5.3
Arizona.....	14	42.9		28.6	
1946:					
84 districts.....	3,421	29.3	8.9	33.4	5.0
Arizona.....	14	50.0		35.7	
1947:					
84 districts.....	3,963	31.9	9.0	32.1	5.1
Arizona.....	16	12.5		18.8	
1948:					
84 districts.....	4,548	26.7	9.9	27.4	5.8
Arizona.....	28	17.9	10.7	17.9	7.0
1949:					
86 districts.....	4,847	28.5	10.4	28.2	5.9
Arizona.....	40	7.5	14.6	5.0	10.6
1950:					
86 districts.....	5,020	22.3	11.2	24.5	6.7
Arizona.....	32	18.8	12.9	9.4	7.0

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

APPENDIX 4

SOUTHERN DISTRICT OF CALIFORNIA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the southern district of California, fiscal years 1940-50

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	668	695	673
1941.....	668	708	633
1942.....	808	807	634
1943.....	898	697	835
1944.....	922	821	936
1945.....	1,093	1,104	925
1946.....	1,204	1,088	1,041
1947.....	2,034	1,568	1,507
1948.....	1,292	1,824	975
1949.....	1,816	1,497	1,294
1950.....	2,191	1,917	1,568
1951 (first half).....	993	997	1,564

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil		
	Com- menced	Termi- nated	Pending	Com- menced	Termi- nated	Pending
1940.....	248	280	201	420	415	472
1941.....	276	251	226	392	457	407
1942.....	468 (2)	351	343	340	456	291
1943.....	668 (68)	398	613	230	299	222
1944.....	707 (146)	585	735	215	236	201
1945.....	891 (414)	872	754	202	232	171
1946.....	906 (508)	853	807	298	235	234
1947.....	1,441 (996)	1,160	1,088	593	408	419
1948.....	729 (323)	1,248	569	563	576	406
1949.....	1,177 (662)	969	777	639	528	517
1950.....	1,557 (838)	1,353	981	634	564	587
1951 (first half).....	693 (377)	714	960	300	283	604

Fiscal year	Criminal			Bankruptcy		
	Com- menced	Termi- nated	Pending	Com- menced	Termi- nated	Pending
1940.....	968	954	210	2,681	2,653	2,703
1941.....	1,077	987	300	2,693	2,723	2,673
1942.....	1,226	1,232	288	2,593	2,727	2,539
1943.....	1,048	1,087	249	1,871	2,529	1,881
1944.....	1,694	1,687	256	1,111	1,800	1,192
1945.....	1,733	1,690	299	791	1,112	871
1946.....	1,746	1,740	305	666	816	721
1947.....	² 2,896	² 2,761	385	860	731	850
1948.....	² 3,384	² 3,112	527	1,359	711	1,498
1949.....	² 3,280	² 3,109	563	2,026	1,262	2,262
1950.....	² 2,298	² 2,476	446	2,704	2,427	2,539
1951 (first half).....	² 917	² 1,098	288	1,406	1,369	2,576

¹ OPA cases, including rent control are separately listed because from 1945 to 1949 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

SOUTHERN DISTRICT OF CALIFORNIA—Continued

TABLE 2.—Case load per judgeship for the southern district of California for the fiscal years 1942 to 1950, inclusive

Fiscal year	Number of judges, California (southern)	Cases filed per judge					
		Total civil cases per judge				Criminal cases per judge	
		California (southern)	84 districts ¹	California (southern)	84 districts ¹	California (southern)	84 districts ¹
1940	8	84	153	121	178		
1941	8	84	164	135	165		
1942	8	101	168	153	174		
1943	8	112	158	131	190		
1944	8	115	169	212	211		
1945	8	137	295	217	209		
1946	8	151	321	218	171		
1947	8	254	271	362	173		
1948	8	162	205	423	167		
1949	8	227	238	410	177		
1950	10	219	222	230	169		

	United States civil cases per judge (United States a party)						Private civil cases per judge	
	Total		OPA		Other United States		Total	
	California (southern)	84 districts ¹	California (southern)	84 districts ¹	California (southern)	84 districts ¹	California (southern)	84 districts ¹
1940	31	72			31	72	53	81
1941	35	83			35	83	49	82
1942	59	91			59	91	43	77
1943	84	100	9	12	75	88	29	53
1944	88	113	18	37	70	76	27	56
1945	111	238	52	160	60	78	25	57
1946	113	251	64	174	50	77	38	70
1947	180	162	125	84	56	78	74	109
1948	91	87	40	20	51	67	70	117
1949	147	118	66	33	52	74	80	121
1950	156	109					63	113

¹ This column gives the average number of cases per judge filed in all districts having purely Federal jurisdiction.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

SOUTHERN DISTRICT OF CALIFORNIA—Continued

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the southern district of California (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	32.4	5.3
California (southern).....	138	34.1	7.8	37.0	4.5
1946:					
84 districts.....	3,421	29.3	8.9	33.4	5.0
California (southern).....	149	29.5	8.5	38.3	3.3
1947:					
84 districts.....	3,963	31.0	9.0	32.1	5.1
California (southern).....	226	51.3	5.9	44.7	3.4
1948:					
84 districts.....	4,548	26.7	9.9	27.4	5.8
California (southern).....	341	39.0	7.1	41.6	3.8
1949:					
86 districts.....	4,847	28.5	10.4	28.2	5.9
California (southern).....	272	43.4	6.7	40.1	3.7
1950:					
86 districts.....	5,020	22.3	11.2	24.5	6.7
California (southern).....	295	30.5	8.8	31.5	5.2

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial.

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APPENDIX 5

DISTRICT OF COLORADO

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	193	183	99
1942.....	212	215	96
1943.....	278	215	159
1944.....	211	234	136
1945.....	647	461	322
1946.....	590	630	282
1947.....	385	481	186
1948.....	246	255	177
1949.....	327	291	213
1950.....	458	339	332
1951 (first half).....	193	159	366
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	123	112	49	70	71	50
1942.....	174	159	64	38	56	32
1943.....	235 (67)	173	126	43	42	33
1944.....	170 (48)	192	104	41	42	32
1945.....	608 (506)	434	278	39	27	44
1946.....	546 (390)	584	240	44	46	42
1947.....	298 (174)	420	118	87	61	68
1948.....	148 (16)	174	92	98	81	85
1949.....	208 (63)	188	112	119	103	101
1950.....	267 (58)	216	163	191	123	169
1951 (first half).....	118 (56)	101	180	75	58	186
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	147	158	30
1942.....	256	228	58
1943.....	315	289	84
1944.....	495	423	156
1945.....	352	353	155
1946.....	234	293	96
1947.....	307	327	68
1948.....	313	299	51
1949.....	270	272	39
1950.....	411	359	45
1951 (first half).....	171	131	71
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

DISTRICT OF COLORADO—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	District of Colorado			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	1	193	193	164
1942.....	1	212	212	168
1943.....	1	278	278	158
1944.....	1	211	211	169
1945.....	1	647	647	295
1946.....	1	590	590	321
1947.....	1	385	385	271
1948.....	1	246	246	205
1949.....	1	327	327	238
1950.....	1	458	458	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	District of Colorado		National average, ¹ cases commenced per judgeship	District of Colorado		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	123	123	83	70	70	82
1942.....	174	174	91	38	38	77
1943.....	235	235	100	43	43	58
1944.....	170	170	113	41	41	56
1945.....	608	608	238	39	39	57
1946.....	546	546	251	44	44	70
1947.....	298	298	162	87	87	107
1948.....	148	148	87	98	98	119
1949.....	208	208	118	119	119	121
1950.....	267	267	109	191	191	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	District of Colorado		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	147	147	165
1942.....	256	256	174
1943.....	315	315	190
1944.....	495	495	211
1945.....	352	352	209
1946.....	234	234	171
1947.....	307	307	173
1948.....	313	313	167
1949.....	270	270	177
1950.....	411	411	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

DISTRICT OF COLORADO—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Percentage of terminated cases requiring less than 6 months for the interval from filing to disposition		Percentage of terminated cases requiring less than 3 months for the interval from issue to trial	
	Colorado	National ¹	Colorado	National ¹	Colorado	National ¹
1945.....	5	2,883	40.0	29.6	60.0	32.4
1946.....	25	3,421	24.0	29.3	28.0	33.4
1947.....	11	3,963	18.2	31.9	27.3	32.1
1948.....	19	4,548	21.1	26.7	15.8	27.4
1949.....	22	4,847	31.8	28.5	13.6	28.2
1950.....	16	5,020	12.5	22.3	6.3	24.5
1951.....						
1952.....						

¹ This column includes all districts having purely Federal jurisdiction: 84 in 1945-48, and 86 in 1949-50.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

TABLE 4.—*Cases commenced per judgeship in the District of Colorado and in 86 districts in the fiscal year 1950, by nature of suit*

	Cases commenced per judgeship		National average ¹ cases terminated 1950, percentage reaching trial
	Colorado	86 districts	
Civil cases:			
Total cases.....	458	222	13
United States cases.....	267	109	11
Private cases.....	191	113	15
United States plaintiff.....	248	89	9
Land condemnation.....	11	4	
OPA rent control.....	58	26	15
Fair Labor Standards Act.....	5	2	5
Other enforcement.....	3	5	6
Food and Drug Act.....	64	8	1
Liquor laws.....	2	3	32
Other forfeitures.....	10	4	10
Negotiable instruments.....	60	21	1
Other contracts.....	20	10	3
Other United States plaintiff.....	15	7	5
United States defendant.....	19	21	20
Habeas corpus.....	2	4	22
Tort Claims Act.....	6	5	25
Tax suits.....	2	4	26
Other United States defendant.....	9	7	15
Federal question.....	44	34	13
Copyright.....	1	1	15
Employers' Liability Act.....	4	5	25
Fair Labor Standards Act.....		1	9
Habeas corpus.....	1	3	10
Jones Act.....		9	7
Miller Act.....	2	1	17
Patent.....	2	3	15
Other Federal question.....	34	11	14
Diversity of citizenship.....	147	66	18
Insurance.....	7	11	16
Other contracts.....	80	13	18
Real property.....	12	4	21
Personal injury (auto).....	29	20	18
Personal injury (other).....	12	13	19
Other diversity.....	7	5	15
Admiralty.....		14	6
Criminal cases.....	411	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 6

THE JUDICIAL BUSINESS OF THE DISTRICT OF DELAWARE

The District of Delaware had one United States district judgeship from 1789 to 1946. In the latter year an additional judgeship was authorized with the proviso that the first vacancy occurring in the district should not be filled. The Judicial Conference of the Third Circuit at its September 12-13, 1949, meeting and the Judicial Conference of the United States at its September 22-24, 1949, meeting recommended that the temporary judgeship be made permanent. Public Law 753 of September 5, 1950, made the second judgeship permanent. The present judges are the Honorable Paul C. Leahy, appointed January 14, 1942, and the Honorable Richard Seymour Rodney, appointed July 31, 1946. Judge Leahy was stricken with a serious illness the latter part of June and according to last reports is now available only for part-time work. Court is held only at Wilmington (28 U. S. C., sec. 87).

The tables 1-4 attached show the judicial business of the district for the last 10 years and make comparisons with other districts. The case load per judge in comparison with the number of cases filed to the average judge has been slight. At no time in the last 10 years has the civil case load exceeded the average; and since the creation of the second judgeship in 1946, the case load has been only one-third or one-quarter of the national average. Similarly the private civil case load has recently been only one-fourth the national average, and the criminal case load has been less than one-eighth the national average. See table 2 for comparisons of the case load per judge over the last 10 years.

Despite this lighter case load the congestion of pending cases in Delaware reached considerable proportions in 1945 and has remained so since. The number of pending cases has been around 250 or higher since 1945. Last year the number of pending civil cases was reduced by 29 to 249, but this number still represents almost 2 years' work at the current rate (138) of disposing civil cases. The number of pending private cases at the end of fiscal year 1950 (127) remained at about the same level as the previous year, and these represent well over 2 years' work at the current rate (54) of disposing of private cases. Too few cases were tried to permit the computation of meaningful median time intervals, but the fact that no tried cases were disposed of in less than 6 months and that no tried cases reached trial in less than 3 months after issue indicates that cases take longer to dispose in this district. Table 3 gives time interval data for civil cases terminated after trial; tables C 5 and C 6 in the Annual Reports give similar data for all districts.

The burden of work in Delaware arises not from the number of cases filed there but from the number of extremely long cases. The State of Delaware has incorporated a large number of corporations doing business throughout the whole country, and this number includes some of the biggest businesses in America. Consequently reorganizations, stockholders' suits, patent suits, and antitrust cases involving these corporations are often brought in the District of Delaware. And since these corporations are often very large, the suits involving them are usually extremely long and complicated. One such suit may take as much time as a hundred routine cases.

The number of patent cases filed per judge in the District of Delaware (8) is twice the number filed in the Third Circuit (4) and over twice the national average (3). See table 4 attached. Two pending patent cases, Nos. 982 and 1098, are suits by Zenith Radio Corp. against the Radio Corp. of America involving most of the basic television patents. Trial time is estimated at 8 months to a year. Another, No. 872, *Federal Telephone & Radio Corp. v. Associated Telephone & Telegraph Co.* involves hundreds of patents covering telephone exchanges, and will take 5 months to a year to try. Other patent cases pending are *General Motors Corp. v. California Research Corp.*, No. 1061; *Alamo Refining Co. v. Shell Development Co.*, No. 1065; *Frederick Hart & Co. v. Recordgraph Corp.*, No. 999; *Berghane v. Radio Corp. of America*, No. 260. All told there are over 30 patent cases pending involving over 180 patents. The subject matter of these cases is complex and scientific, discovery motions take much judge time, and trials last weeks.

Antitrust cases pending include *United States v. Du Pont*, No. 1216, involving the manufacture of cellophane, where already over 3,000 Government documentary exhibits have been introduced, and the court has been allowing 1 day a week until January for pretrial conferences; trial time is estimated at a 4 months' minimum. Another is *United States v. Railway Express Agency*, No. 1155, now pending further proceedings before the Interstate Commerce Commission. Two

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private antitrust cases, Nos. 1077 and 1109, against Paramount Pictures will require 6 weeks to 2 months trial time apiece.

Complex corporate litigation flourishes in Delaware. In *Canister Co. v. National Can Corp.*, Nos. 309 and 365, contract suits for over \$10 million, 20 motions required 10 days for hearings and four times that long for determination. Other contract suits pending are *Park-In Theaters*, No. 1072, and *Fleischmann Lumber Corp. v. Resources Corp. International*, No. 1086, involving Mexican forest land. Stockholders suits include *Friedman et al. v. Transamerica Corp.*, Nos. 468, 480, 490, with evidence taken in three file drawers of pleadings, depositions, and briefs; *Lefker v. Permanente Metals Corp. and Kaiser-Frazer Corp.*, No. 1135; *Berner v. Telecoin Corp.*, No. 1058. Because of corporate ties with Delaware, 35 major utilities have been before the court in SEC litigation.

These cases are only a few of those where trials of weeks are anticipated. More-over, in complicated litigation for every day spent in court on hearings or trials several days must be spent going over pleadings and documents, looking up law, and deliberating in chambers.

Respectfully submitted.

W. H. SPECK,

Attorney, Division Procedural Studies and Statistics.

DISTRICT OF DELAWARE

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941	63	98	140
1942	59	85	114
1943	80	61	133
1944	129	102	160
1945	237	155	242
1946	279	233	288
1947	170	175	283
1948	100	122	261
1949	116	99	278
1950	109	138	249
1951 (first half)	23	42	230

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941	26	55	28	37	43	112
1942	24	32	20	35	53	94
1943	50	27	43	30	34	90
1944	84 (37)	55	72	45	47	88
1945	191 (165)	100	163	46	55	79
1946	236 (192)	201	198	43	32	90
1947	102 (57)	136	164	68	39	119
1948	41 (8)	62	143	59	60	118
1949	55 (23)	46	152	61	53	126
1950	54 (17)	84	122	55	54	127
1951	6 (1)	24	104	17	18	126
1952						

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

DISTRICT OF DELAWARE—Continued

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941—Continued

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	135	80	64
1942.....	175	79	160
1943.....	159	223	96
1944.....	307	256	147
1945.....	63	165	45
1946.....	45	72	18
1947.....	36	40	13
1948.....	24	33	5
1949.....	26	26	6
1950.....	39	33	11
1951.....	10	13	9
1952.....			

² Cases transferred are not included in "Commenced" and "Terminated" columns.

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	District of Delaware			National average, cases com- menced per judgeship ¹
	Number of judgeships	Cases com- menced	Cases com- menced per judgeship	
1941.....	1	63	63	164
1942.....	1	59	59	168
1943.....	1	80	80	158
1944.....	1	129	129	169
1945.....	1	237	237	295
1946.....	1	279	279	321
1947.....	2	170	85	271
1948.....	2	100	50	205
1949.....	2	116	58	238
1950.....	2	109	55	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	District of Delaware		National average, cases com- menced per judgeship ¹	District of Delaware		National average, cases com- menced per judgeship ¹
	Cases com- menced	Cases com- menced per judgeship		Cases com- menced	Cases com- menced per judgeship	
1941.....	26	26	83	37	37	82
1942.....	24	24	91	35	35	77
1943.....	50	50	100	30	30	58
1944.....	84	84	113	45	45	56
1945.....	191	191	238	46	46	57
1946.....	235	235	251	43	43	70
1947.....	102	51	162	68	34	109
1948.....	41	21	87	59	30	117
1949.....	55	28	118	61	31	121
1950.....	54	27	109	55	28	113
1951.....						
1952.....						

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

DISTRICT OF DELAWARE—Continued

TABLE 2.—*Cases commenced per judgeship—Continued*

Fiscal year	Criminal cases		
	District of Delaware		National average: cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship	
1941.....	135	135	165
1942.....	175	175	174
1943.....	159	159	190
1944.....	307	307	211
1945.....	63	63	209
1946.....	45	45	171
1947.....	36	18	173
1948.....	24	12	167
1949.....	26	13	177
1950.....	39	20	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Percentage of terminated cases requiring less than 6 months for the interval from filing to disposition		Percentage of terminated cases requiring less than 3 months for the interval from issue to trial	
	Delaware	National ¹	Delaware	National ¹	Delaware	National ¹
1945.....	7	2,883	14.3	29.6	28.6	32.4
1946.....	12	3,421	25.0	29.3	41.7	33.4
1947.....	17	3,963		31.9	17.7	32.1
1948.....	15	4,548	13.3	26.7	13.3	27.4
1949.....	9	4,847	11.1	28.5	33.3	28.2
1950.....	7	5,020		22.3		24.5
1951.....						
1952.....						

¹ This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas, corpus and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

DISTRICT OF DELAWARE—Continued

TABLE 4.—Cases commenced per judgeship in the district of Delaware and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average; cases terminated 1950, percentage reaching trial ¹
	Delaware	86 districts	
Civil cases:			
Total cases.....	55	222	13
United States cases.....	27	109	11
Private cases.....	28	113	15
United States plaintiff.....	20	89	9
Land condemnation.....		4	
OPA rent control.....	8.5	26	15
Fair Labor Standards Act.....	.5	2	5
Other enforcement.....	1	5	6
Food and Drug Act.....	3.5	8	1
Liquor laws.....		3	32
Other forfeitures.....	2	4	10
Negotiable instruments.....	2.5	21	1
Other contracts.....	1.5	10	3
Other United States plaintiff.....	.5	7	5
United States defendant.....	7	21	20
Habeas corpus.....	.5	4	22
Tort Claims Act.....	.5	5	25
Tax suits.....	1.5	4	26
Other United States defendant.....	4.5	7	15
Federal question.....	11.5	34	13
Copyright.....		1	15
Employers' Liability Act.....	.5	5	25
Fair Labor Standards Act.....		1	9
Habeas corpus.....		3	10
Jones Act.....	.5	9	7
Miller Act.....		1	17
Patent.....	7.5	3	15
Other Federal question.....	3	11	14
Diversity of citizenship.....	15	66	18
Insurance.....	1.5	11	16
Other contracts.....	4.5	13	18
Real property.....	.5	1	21
Personal injury (auto).....	4	20	18
Personal injury (other).....	1	13	19
Other diversity.....	3.5	5	15
Admiralty.....	1	14	6
Criminal cases.....	20	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

CERTIFIED COPY OF RESOLUTION

Resolved, That the Judicial Council of the Third Circuit hereby requests the Judicial Conference of the United States to approve and recommend to Congress the authorization of an additional district judge for the district of Delaware on a permanent basis.

I certify that the foregoing resolution was adopted by the Judicial Council of the Third Circuit at a meeting held on July 27, 1950.

ALBERT B. MARIS, *Secretary*.

RESOLUTION OF DELAWARE STATE BAR ASSOCIATION

Resolved, That the Delaware State Bar Association recommend to the National Judicial Conference the pressing need for a third Federal judge for the district of Delaware, the appointment to be on a permanent basis.

I certify that the foregoing is a true and correct copy of a resolution passed by unanimous vote of the Delaware State Bar Association at a special meeting held on August 4, 1950.

WILLIAM DUFFY, Jr., *Secretary*.

APPENDIX 7

SOUTHERN DISTRICT OF FLORIDA

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1941	691	659	598
1942	570	620	548
1943	544	483	609
1944	485	523	571
1945	744	686	629
1946	988	840	777
1947	1,069	946	900
1948	937	832	1,005
1949	1,128	1,017	1,116
1950	883	1,053	946
1951 (first half)	420	397	969
1952			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941	345	220	262	346	439	336
1942	266	266	262	304	354	286
1943	310 (7)	207	365	234	276	244
1944	248 (17)	297	316	237	226	255
1945	472 (208)	425	363	272	261	266
1946	624 (434)	581	406	364	259	371
1947	552 (367)	525	433	517	421	467
1948	300 (107)	380	353	637	452	652
1949	384 (163)	342	395	744	675	721
1950	281 (37)	405	271	602	648	675
1951 (first half)	123	117	277	297	280	692
1952						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941	520	607	210
1942	492	483	³ 215
1943	938	674	479
1944	479	626	332
1945	640	702	270
1946	515	533	252
1947	470	522	191
1948	460	449	202
1949	545	475	255
1950	513	547	218
1951 (first half)	230	199	241
1952			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred not included in "Commenced" and "Terminated" columns.

³ Adjusted.

SOUTHERN DISTRICT OF FLORIDA—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Southern district of Florida			National average: cases commenced per judgeship ¹
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	4	691	173	164
1942.....	4	570	143	168
1943.....	4	544	136	158
1944.....	4	485	121	169
1945.....	4	744	186	295
1946.....	4	988	247	321
1947.....	4	1,069	267	271
1948.....	3	937	312	205
1949.....	3	1,128	376	238
1950.....	4	883	221	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Southern district of Florida		National average, ¹ cases commenced per judgeship	Southern district of Florida		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	345	86	83	346	87	82
1942.....	266	67	91	304	76	77
1943.....	310	78	100	234	59	58
1944.....	248	62	113	237	59	56
1945.....	472	118	238	272	68	57
1946.....	624	157	251	364	91	70
1947.....	552	138	162	517	129	109
1948.....	300	100	87	637	212	117
1949.....	384	128	118	744	248	121
1950.....	281	70	109	602	151	113
1951.....						
1952.....						

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1942.

SOUTHERN DISTRICT OF FLORIDA—Continued

TABLE 2.—*Cases commenced per judgeship*—Continued

Fiscal year	Criminal cases		
	Southern district of Florida		National average, cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship	
1941.....	520	130	165
1942.....	492	123	174
1943.....	938	235	190
1944.....	479	120	211
1945.....	640	160	209
1946.....	515	129	171
1947.....	470	118	173
1948.....	460	153	167
1949.....	545	182	177
1950.....	513	128	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—During the entire period covered by the table there were 3 judges assigned to the southern district of Florida and 1 to the northern district. In all these years except the fiscal years 1948 and 1949, there was 1 "roving judge" for both districts, but as almost all his time was spent in the southern district the case load for that district for 1940-47 has been figured on the basis of 4 judges, and in 1948 on the basis of 3 judges. With the retirement of Judge Long of the northern district in October 1947, Judge DeVane, then the "roving judge," automatically became judge of the northern district. The 1950 figures include a fourth judgeship authorized by an act of Congress approved Aug. 3, 1949. Because case load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Percentage of terminated cases requiring less than 6 months for the interval from filing to disposition		Percentage of terminated cases requiring less than 3 months for the interval from issue to trial	
	Florida (southern)	National ¹	Florida (southern)	National ¹	Florida (southern)	National ¹
1945.....	64	2,883	8.1	9.0	4.3	5.3
1946.....	81	3,421	6.4	8.9	3.9	5.0
1947.....	115	3,963	9.0	9.0	4.9	5.1
1948.....	147	4,548	12.0	9.9	7.0	5.8
1949.....	92	4,847	14.1	10.4	8.4	5.9
1950.....	120	5,020	15.3	11.2	11.6	6.7
1951.....						
1952.....						

¹ This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

NOTE.—The period from filing to disposition is the elapsed time for commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

SOUTHERN DISTRICT OF FLORIDA—Continued

TABLE 4.—Cases commenced per judgeship in the southern district of Florida and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average: cases terminated 1950, percentage reaching trial ¹
	Florida (southern)	86 districts	
Civil cases:			
Total cases.....	222	222	13
United States cases.....	70	109	11
Private cases.....	151	113	5
United States plaintiff.....	58	89	9
Land condemnation.....	2	4	—
OPA—Rent control.....	9	26	15
Fair Labor Standards Act.....	1	2	5
Other enforcement.....	3	5	6
Food and Drug Act.....	7	8	1
Liquor laws.....	4	3	32
Other forfeitures.....	5	4	10
Negotiable instruments.....	13	21	1
Other contracts.....	7	10	3
Other United States plaintiff.....	8	7	5
United States defendant.....	12	21	20
Habeas corpus.....	2	4	22
Tort Claims Act.....	3	5	25
Tax suits.....	7	4	26
Other United States defendant.....	2	7	15
Federal question.....	21	34	13
Copyright.....	1	1	15
Employers' Liability Act.....	1	5	25
Fair Labor Standards Act.....	1	1	9
Habeas corpus.....	2	3	10
Jones Act.....	.3	9	7
Miller Act.....	.3	1	17
Patent.....	2	3	15
Other Federal question.....	14	11	14
Diversity of citizenship.....	97	66	18
Insurance.....	10	11	16
Other contracts.....	21	13	18
Real property.....	9	4	21
Personal injury:			
Auto.....	33	20	18
Other.....	16	13	19
Other diversity.....	9	5	15
Admiralty.....	32	14	6
Criminal cases.....	128	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
March 2, 1951.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: Pursuant to my letter to you of January 26, I consulted Chief Judge Hutcheson of the fifth circuit, in which Florida is situated, concerning the bill to provide for terms of the District Court for the Southern District of Florida at West Palm Beach and Fort Myers (S. 431). Judge Hutcheson has informed me that the Judicial Council of the Fifth Circuit considered the bill and expressed the following views:

"Their general view with regard to creating new divisions is that, 'from the standpoint of economy and efficiency in the conduct of the Federal judicial

system, it is not advisable to add to the number of places of holding court unless in particular places this is imperatively required by the public convenience." They do, however, recognize that the matter is 'one of policy for the determination of the Congress,' and "here the district judges affected favor the creation of a new division or divisions, they would normally not put themselves in opposition."

In the case of the particular bill, Judge Holland and Judge Barker of the District Court for the Southern District of Florida with headquarters in the southern portion of the district, Miami and Tampa, favor the addition of West Palm Beach and Fort Myers to the places of holding court as the bill provides. Circuit Judge Strum, who formerly was the chief judge of the southern district of Florida with headquarters at Jacksonville, states, that while he would not actively recommend, he would not oppose the addition of two new places of holding court. In this situation the other members of the judicial council "feel that the matter should go to the Congress without an adverse recommendation from the council."

With kind regards, I am,
Sincerely yours,

HENRY P. CHANDLER.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, February 14, 1951.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 431) to provide for terms of court to be held at West Palm Beach and at Fort Myers, in the southern district of Florida.

The bill would amend title 28, United States Code, by adding West Palm Beach and Fort Myers as places for holding court in the southern district of Florida.

Existing law provides that court for the southern district of Florida shall be held at Fernandina, Fort Pierce, Jacksonville, Key West, Miami, Ocala, Orlando, and Tampa.

So far as the work of this Department is concerned, there is no indication of a need for additional places for holding court in the southern district of Florida. The Department does not maintain a deputy marshal or an assistant United States attorney at either Fort Myers or West Palm Beach.

There has been a growing tendency in recent years to reduce, rather than to increase, the number of places for holding court. This matter has been the subject of considerable study and discussion by the Judicial Conference of the United States in its effort to achieve economy and efficiency in the operation of the Federal courts. At its meeting in September 1948 the Conference recommended that section 138 of title 28, United States Code, be amended so as to provide that notwithstanding the present provisions of law requiring court to be held in designated places, those provisions may be changed or abolished by rule of the district court upon a finding that the public interest so requires and upon approval by the judicial council of the circuit. The Conference expressed the view that the proposed change in the law would result in economy of operation and promote the efficient dispatch of court business. These views were reaffirmed by the Conference at its March 1950 meeting.

It may also be mentioned that section 141 of title 28, United States Code, provides that special terms of district court may be held at such places in the district as the nature of the business may require and any business may be transacted at such a special term which might be transacted at a regular term.

It is assumed that the committee has obtained the views of the Administrative Office of the United States Courts concerning the proposal.

Whether, in the light of the foregoing considerations, the bill should be enacted is a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

APPENDIX 8

NORTHERN DISTRICT OF GEORGIA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the northern district of Georgia for the fiscal years 1940-50 and for the first half of fiscal year 1951

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	298	353	138
1941.....	322	309	151
1942.....	413	342	222
1943.....	382	411	193
1944.....	304	326	171
1945.....	363	370	164
1946.....	351	316	199
1947.....	433	359	273
1948.....	389	376	286
1949.....	493	479	300
1950.....	443	403	340
1951 (first half).....	173	193	320

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	200	236	51	98	117	87
1941.....	184	189	46	138	120	105
1942.....	264	199	111	149	143	111
1943.....	319 (3)	321	109	63	90	84
1944.....	236 (3)	246	99	68	80	72
1945.....	298 (43)	298	99	65	72	65
1946.....	258 (53)	248	109	93	68	90
1947.....	298 (103)	245	162	135	114	111
1948.....	253 (84)	266	149	136	110	137
1949.....	356 (90)	338	167	137	141	133
1950.....	281 (74)	286	162	162	117	178
1951 (first half).....	97 (15)	108	151	76	85	169

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	547	488	277	1,175	875	1,187
1941.....	453	606	124	1,199	1,160	1,226
1942.....	572	426	275	863	1,120	969
1943.....	402	499	178	564	725	808
1944.....	352	335	195	293	849	252
1945.....	438	448	185	217	271	198
1946.....	387	400	172	175	204	169
1947.....	² 429	² 361	240	215	172	212
1948.....	² 497	² 506	232	296	201	307
1949.....	² 394	458	160	465	414	358
1950.....	² 419	² 415	168	663	661	360
1951 (first half).....	² 193	² 222	141	276	299	337

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

NORTHERN DISTRICT OF GEORGIA—Continued

TABLE 2.—Case load per judgeship for the northern district of Georgia for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, Georgia (northern)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Georgia (northern)	84 districts	Georgia (northern)	84 districts
1940-----	2	149	153	274	178
1941-----	2	161	164	227	165
1942-----	2	206	168	286	174
1943-----	2	191	158	201	190
1944-----	2	152	169	176	211
1945-----	2	182	295	219	209
1946-----	2	176	321	194	171
1947-----	2	217	271	215	173
1948-----	1	389	205	497	167
1949-----	1	493	238	394	177
1950-----	2	222	222	210	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge	
	Total		OPA		Other United States		Total	
	Georgia (northern)	84 districts	Georgia (northern)	84 districts	Georgia (northern)	84 districts	Georgia (northern)	84 districts
1940-----	100	72			100	72	49	81
1941-----	92	83			92	83	69	82
1942-----	132	91			132	91	75	77
1943-----	160	100	2	12	158	88	32	58
1944-----	119	113	2	37	117	76	34	56
1945-----	150	238	22	160	128	78	33	57
1946-----	130	251	27	174	103	77	47	70
1947-----	150	162	52	84	98	78	68	109
1948-----	253	87	84	20	169	67	136	117
1949-----	356	118					137	121
1950-----	141	109					81	113

NOTE 1.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

NOTE 2.—54 Stat. 219 (1940), 28 U. S. C. 1 (1940), authorized the appointment of 1 additional judge for this district, provided that next ensuing vacancy should not be filled. When Judge Underwood retired on Mar. 5, 1948, the temporary judgeship expired. The case-load for Georgia, northern, is based on 2 judges for the fiscal years 1940-47 and 1 judge for the years, 1948 and 1949. By act approved Aug. 3, 1949, the additional judgeship was again authorized.

NORTHERN DISTRICT OF GEORGIA—Continued

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the northern district of Georgia (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	32.4	5.3
Georgia (northern).....	37	24.3	11.8	21.6	7.1
1946:					
84 districts.....	3,421	29.3	8.9	33.4	5.0
Georgia (northern).....	19	31.6	-----	36.8	-----
1947:					
84 districts.....	3,963	31.9	9.0	32.1	5.1
Georgia (northern).....	48	35.4	8.5	29.2	7.5
1948:					
84 districts.....	4,548	26.7	9.9	27.4	5.8
Georgia (northern).....	47	27.7	8.5	17.0	7.3
1949:					
86 districts.....	4,847	28.5	10.4	28.2	5.9
Georgia (northern).....	58	20.7	9.1	22.4	8.2
1950:					
86 districts.....	5,020	22.3	11.2	24.5	6.7
Georgia (northern).....	47	19.2	14.0	10.6	9.5

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

APPENDIX 9

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D. C., April 10, 1950.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: The bill to authorize the appointment of a district judge for the northern and southern districts of Indiana about which you inquired of me on March 18 (H. R. 6240), is a measure recommended by the Judicial Conference of the United States at its annual meeting in 1949 (p. 6 of the September 1949 report). The history of the statutes providing for Federal district judges in Indiana and the business of the district courts for the two districts, each of which now has one judge, are summarized in the accompanying memorandum prepared by Mr. Will Shafroth, Chief of the Division of Procedural Studies and Statistics of this office. Tables showing the business of the district courts for the districts and comparing it with that of courts for districts of the country generally follow the memorandum.

Population is not a close measure of the number of Federal judges needed in judicial districts, but it is one of the factors to be taken into account because business of the courts comes from people. As the memorandum shows, the population of Indiana as of 1947, the last year for which comparative figures are available, was estimated by the statistical abstract of the United States for 1949 at 3,835,000 persons. As the memorandum further shows, there is no other State with a population so large as that of Indiana, in fact only one other State with a population of over 2,600,000 in 1947, which did not have at least three district judges; six States with a smaller population had three judges each, seven with a smaller population four judges each, and two with a smaller population five judges each (pp. 5-6 of the memorandum).

The condition that makes necessary the addition to the number of judges for Indiana is the increase in civil litigation and particularly in private litigation which has occurred in recent years. The number of criminal cases filed, except for higher numbers during the war years, has increased somewhat in each district. The

number of bankruptcy cases has declined as is true uniformly in the last decade (table 1 for the northern and southern districts). The criminal and bankruptcy business of a court are, however, only a minor factor in the demands upon the time of a judge. A large proportion, something like 85 percent, as a rule, of criminal cases are disposed of on pleas of guilty and do not require proportionately a large amount of time of the judges. Bankruptcy cases, save for occasional reviews by the court and large reorganization cases, are handled almost altogether by the referees in bankruptcy. The uniform testimony of judges and time studies made by a number of district judges in cooperation with this office, show that the business which takes the greater part of the time of district judges is the civil cases brought in the courts, and particularly the private cases. As the table on page 2 of Mr. Shafroth's memorandum shows, the number of civil cases filed in both the northern and southern districts of Indiana has increased materially in recent years over the number in 1940 and the years closely following. The number of such cases filed in 1949 was 323 in the northern district compared with 276 in 1940, and 437 in the southern district compared with 198 in 1940. The number filed in the two districts for the first half of the current fiscal year 1950 is at the rate of 320 or more for the northern district and 520 or more for the southern district, experience showing that the proportion filed in the second half of a fiscal year is ordinarily greater than that filed in the first half. Likewise, the number of private civil cases filed has gone up. The number, 126 in the northern district in 1940, increased to 151 in 1949, and the number in the southern district increased from 119 in 1940 to 137 in 1949.

The number of civil cases and the number of private civil cases filed per judge have also been almost uniformly higher in both districts of Indiana in the last 10 years than the average of the districts in the country generally (p. 2 of the memorandum). Thus, the number of civil cases filed per judge in 1949 was 323 in the northern district and 437 in the southern compared with an average per judge of 217 for the country generally, and the number of private civil cases filed per judge in 1949 was 151 in the northern district and 137 in the southern compared with an average per judge of 110 in the country generally. If the number of judges for the two districts is increased to three, as the pending bill provides, the number of total civil cases filed per judge in the two districts will still be substantially above the average for the country generally at the present rate of filing, although the number of private civil cases filed per judge in the two districts will be somewhat lower than the national average (p. 3 of Mr. Shafroth's memorandum).

In the consideration of the load upon the judges the cases brought in the district courts on the ground of diversity of citizenship should be given relatively large weight, because a considerable proportion of these cases require trial and make large demands upon the time of the judges. In 1949 the number of such cases filed per judge was 94 in the northern district, and 116 in the southern district, compared with an average per judge of 62 in the districts generally. Likewise, personal-injury cases based upon automobile accidents, which are a time-consuming type of case for disposition, were brought in higher number in the districts of Indiana per judge than generally per judge in the country. The number of such cases filed per judge in the northern district of Indiana was 36, and in the southern district, 44, compared with an average of 19 for the districts generally. Suits for personal injuries due to other causes were likewise filed in a higher number per judge in both districts of Indiana than the average per judge in the districts generally (p. 4 of the memorandum).

The number of civil cases pending in the northern district of Indiana after going down in the middle of last decade, has risen from 280 at the end of 1947 to 294 in 1948, 313 in 1949, and 336 on December 31, 1949, the end of the first half of the fiscal year 1950 (table 1 for the northern district). The fact that the number of pending civil cases is not higher is due to the continuous and intense efforts of the district judge for the district who has given himself almost no respite. The dispatch of the business with reasonable expedition and the conservation of the power of the judge for long service, both require that he should be reinforced. The number of pending civil cases in the southern district of Indiana has risen from 75 at the end of 1944 to 312 on December 31, 1949, the end of the first half of the fiscal year 1950 (table 1 for the southern district). The sharp rise in the number of pending civil cases in the southern district is attributable largely to the ill health of the district judge for that district who recently retired. After proper allowance is made for this, it is apparent that the additional judge-power for the two districts for which the bill would provide, is needed.

In the northern district of Indiana, the time from filing to disposition of civil cases which were tried (except land condemnation, habeas corpus and forfeiture proceedings, which are not typical), went up from 7.7 months in 1948 to 14.2 months in 1949 in comparison with a national average of 10.4 months. This plainly points to an excessive load for the single judge (table 3 for the northern district). In the southern district, the corresponding time from filing to disposition went up from 10.1 months in 1948 to 10.8 months in 1949 compared with a national average of 10.4 months (table 3 for the southern district).

The facts above set forth and others appearing in the tables show plainly that the remarkably small number of district judges, one each for the two districts of Indiana, is not commensurate with the business of the districts. On account of the high population and the concentration of industry and business in the State, there is every reason to expect that the disparity, unless the number of judges is increased, will continue and grow. The pending bill will give reinforcement in a way which will be helpful to both districts by providing that the new judge shall be a judge for both. It is only a reasonable response to the manifest demands of the judicial business and is requisite for proper service to litigants and the public. I, therefore, trust that it may be enacted.

Sincerely yours,

HENRY P. CHANDLER,
Director.

NORTHERN DISTRICT OF INDIANA

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	223	201	350
1942.....	192	179	363
1943.....	181	190	354
1944.....	190	242	302
1945.....	268	274	296
1946.....	336	336	296
1947.....	278	294	280
1948.....	285	271	294
1949.....	323	304	313
1950.....	308	295	326
1951 (first half).....	160	159	327
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com- menced	Termi- nated	Pending June 30	Com- menced	Termi- nated	Pending June 30
1941.....	108	90	145	115	111	205
1942.....	90	68	167	102	111	196
1943.....	103 (16)	118	152	78	72	202
1944.....	90 (19)	119	132	91	123	170
1945.....	159 (103)	163	128	109	111	168
1946.....	239 (202)	229	138	97	107	158
1947.....	138 (85)	174	102	140	120	178
1948.....	144 (49)	143	103	141	128	191
1949.....	172 (68)	151	124	151	153	189
1950.....	132 (27)	137	119	176	158	207
1951.....	78 (16)	80	117	82	79	210
1952.....						

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

NORTHERN DISTRICT OF INDIANA—Continued

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941—Continued

Fiscal year	Criminal cases ¹		
	Commenced	Terminated	Pending, June 30
1941.....	117	120	51
1942.....	309	136	224
1943.....	358	309	273
1944.....	361	473	161
1945.....	246	269	138
1946.....	151	201	88
1947.....	139	167	63
1948.....	159	159	66
1949.....	146	136	71
1950.....	159	165	73
1951.....	68	79	58
1952.....			

¹ Cases transferred are not included in "Commenced" and "Terminated" columns.

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Northern district of Indiana			National average, ¹ cases com- menced per judgeships
	Number of judgeships	Cases com- menced	Cases com- menced per judgeships	
1941.....	1	223	223	164
1942.....	1	192	192	168
1943.....	1	181	181	158
1944.....	1	190	190	169
1945.....	1	268	268	295
1946.....	1	336	336	321
1947.....	1	278	278	271
1948.....	1	285	285	205
1949.....	1	323	323	238
1950.....	1	308	308	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Northern district of Indiana		National average, ¹ cases com- menced per judgeship	Northern district of Indiana		National average, ¹ cases com- menced per judgeship
	Cases com- menced	Cases com- menced per judgeship		Cases com- menced	Cases com- menced per judgeship	
1941.....	108	108	83	115	115	82
1942.....	90	90	91	102	102	77
1943.....	103	103	100	78	78	58
1944.....	99	99	113	91	91	56
1945.....	159	159	238	109	109	57
1946.....	239	239	251	97	97	70
1947.....	138	138	162	140	140	109
1948.....	144	144	87	141	141	117
1949.....	172	172	118	151	151	121
1950.....	132	132	109	176	176	113
1951.....						
1952.....						

See footnote on p. 59.

NORTHERN DISTRICT OF INDIANA—Continued

TABLE 2.—*Cases commenced per judgeship*—Continued

Fiscal year	Criminal cases		
	Northern district of Indiana		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941	117	117	165
1942	309	309	174
1943	358	358	190
1944	361	361	211
1945	246	246	209
1946	151	151	171
1947	139	139	173
1948	159	159	167
1949	146	146	177
1950	159	159	169
1951			
1952			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time interval ¹ (in months)			
			Filing to disposition		Issue to trial	
	Indiana (northern)	National	Indiana (northern)	National	Indiana (northern)	National
1945	21	2,883		9.0		5.3
1946	28	3,421	12.5	8.9	5.9	5.0
1947	25	3,963	10.7	9.0	7.6	5.1
1948	18	4,548		9.9		5.8
1949	24	4,847		10.4		5.9
1950	43	5,020	15.1	11.2	9.3	6.7
1951						
1952						

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases. The national median is based on 84 districts for 1945-48 and on 86 districts for 1949-50.

NORTHERN DISTRICT OF INDIANA—Continued

TABLE 4.—Cases commenced per judgeship in the northern district of Indiana and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average ¹ cases terminated 1950, percentage reaching trial
	Indiana (northern)	86 districts	
Civil cases:			
Total cases.....	308	222	13
United States cases.....	132	109	11
Private cases.....	176	113	15
United States plaintiff.....	118	89	9
Land condemnation.....	1	4	—
OPA, rent control.....	27	26	15
Fair Labor Standards Act.....	1	2	5
Other enforcement.....	3	5	6
Food and Drug Act.....	9	8	1
Liquor laws.....	—	3	32
Other forfeitures.....	5	4	10
Negotiable instruments.....	34	21	1
Other contracts.....	32	10	3
Other United States plaintiff.....	6	7	5
United States defendant.....	14	21	20
Habeas corpus.....	2	4	22
Tort Claims Act.....	4	5	25
Tax suits.....	2	4	26
Other United States defendant.....	6	7	15
Federal question.....	72	34	13
Copyright.....	—	1	15
Employers' Liability Act.....	11	5	25
Fair Labor Standards Act.....	—	1	9
Habeas corpus.....	42	3	10
Jones Act.....	1	9	7
Miller Act.....	—	1	17
Patent.....	4	3	15
Other Federal question.....	14	11	14
Diversity of citizenship.....	104	66	18
Insurance.....	9	11	16
Other contracts.....	25	13	18
Real property.....	5	4	21
Personal injury (auto).....	41	20	18
Personal injury (other).....	20	13	19
Other diversity.....	4	5	15
Admiralty.....	—	14	6
Criminal cases.....	159	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

SOUTHERN DISTRICT OF INDIANA

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	225	190	110
1942.....	294	272	132
1943.....	238	274	96
1944.....	210	231	75
1945.....	254	222	107
1946.....	277	270	114
1947.....	430	292	252
1948.....	290	354	188
1949.....	437	332	293
1950.....	554	482	365
1951 (first half).....	243	261	347
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	91	68	36	134	122	74
1942.....	187	139	84	107	133	48
1943.....	148 (8)	172	60	90	102	36
1944.....	135 (21)	158	37	75	73	38
1945.....	167 (96)	147	57	87	75	50
1946.....	212 (67)	204	65	65	66	49
1947.....	293 (203)	205	153	137	87	99
1948.....	182 (52)	239	96	108	115	92
1949.....	300 (127)	218	178	137	114	115
1950.....	404 (150)	390	192	150	92	173
1951.....	163 (54)	166	189	80	95	158
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	138	131	31
1942.....	163	163	31
1943.....	208	201	38
1944.....	1,007	996	49
1945.....	162	159	52
1946.....	198	208	42
1947.....	257	241	54
1948.....	232	197	91
1949.....	232	236	80
1950.....	257	277	55
1951.....	94	114	40
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

SOUTHERN DISTRICT OF INDIANA—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Southern district of Indiana			National average, ¹ cases commenced per judgeship
	Number of judgeship	Cases commenced	Cases commenced per judgeship	
1941.....	1	225	225	164
1942.....	1	294	294	168
1943.....	1	238	238	158
1944.....	1	210	210	169
1945.....	1	254	254	295
1946.....	1	277	277	321
1947.....	1	430	430	271
1948.....	1	290	290	205
1949.....	1	437	437	238
1950.....	1	554	554	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Southern district of Indiana		National average, ¹ cases commenced per judgeship	Southern district of Indiana		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	91	91	83	134	134	82
1942.....	187	187	91	107	107	77
1943.....	148	148	100	90	90	58
1944.....	135	135	113	75	75	56
1945.....	167	167	238	87	87	57
1946.....	212	212	251	65	65	70
1947.....	293	293	162	137	137	109
1948.....	182	182	87	108	108	117
1949.....	300	300	118	137	137	121
1950.....	404	404	109	150	150	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Southern district of Indiana		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	138	138	165
1942.....	163	163	174
1943.....	208	208	190
1944.....	1,007	1,007	211
1945.....	162	162	209
1946.....	198	198	171
1947.....	257	257	173
1948.....	232	232	167
1949.....	232	232	177
1950.....	257	257	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

SOUTHERN DISTRICT OF INDIANA—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time interval (in months) ¹			
	Indiana (southern)	National	Filing to disposition		Issue to trial	
			Indiana (southern)	National	Indiana (southern)	National
1945.....	24	2,883	-----	9.0	-----	5.3
1946.....	30	3,421	-----	8.9	-----	5.0
1947.....	28	3,963	-----	7.5	-----	5.1
1948.....	35	4,548	-----	10.1	-----	5.8
1949.....	27	4,847	-----	10.8	-----	5.9
1950.....	36	5,020	-----	9.3	-----	6.7
1951.....	-----	-----	-----	-----	-----	-----
1952.....	-----	-----	-----	-----	-----	-----

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases. The national median is based on 84 districts for 1945-48 and on 86 districts for 1949-50.

SOUTHERN DISTRICT OF INDIANA—Continued

TABLE 4.—*Cases commenced per judgeship in the southern district of Indiana and in 86 districts in the fiscal year 1950 by nature of suit*

	Cases commenced per judgeship		National average 1 cases terminated 1950, percentage reaching trial
	Indiana (southern)	86 districts	
Civil cases:			
Total cases.....	554	222	13
United States cases.....	404	109	11
Private cases.....	150	113	15
United States plaintiff.....	367	89	9
Land condemnation.....	16	4	
OPA, rent control.....	150	26	15
Fair Labor Standards Act.....	7	2	5
Other enforcement.....	2	5	6
Food and Drug Act.....	30	8	1
Liquor laws.....	1	3	32
Other forfeitures.....	4	4	10
Negotiable instruments.....	74	21	1
Other contracts.....	67	10	3
Other United States plaintiff.....	16	7	5
United States defendant.....	37	21	20
Habeas corpus.....	23	4	22
Tort Claims Act.....	1	5	25
Tax suits.....	4	4	26
Other United States defendant.....	9	7	15
Federal question.....	24	34	13
Copyright.....		1	15
Employers' Liability Act.....	5	5	25
Fair Labor Standards Act.....	2	1	9
Habeas corpus.....	1	3	10
Jones Act.....		9	7
Miller Act.....	5	1	17
Patent.....	2	3	15
Other Federal question.....	9	11	14
Diversity of citizenship.....	123	66	18
Insurance.....	12	11	16
Other contracts.....	21	13	18
Real property.....	8	4	21
Personal injury (auto).....	55	20	18
Personal injury (other).....	18	13	19
Other diversity.....	9	5	15
Admiralty.....	3	14	6
Criminal cases.....	257	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 10

MEMORANDUM WITH REFERENCE TO THE JUDICIAL BUSINESS OF THE EASTERN AND WESTERN DISTRICTS OF MISSOURI

Action similar to that provided for in S. 922 was recommended by the Judicial Conference of the United States in 1945, 1946, 1947, 1948, 1949, and 1950. A provision to effectuate this purpose was included in H. R. 4963, Eighty-first Congress, the omnibus judgeship bill, which was recommended by the House Judiciary Committee and passed by the House. Originally, it was also included in S. 52 but was not recommended by the Senate committee. When these bills went to conference the House receded and that part of the House bill with reference to the Missouri judgeship was omitted, so the provision was not included in Public Law 205.

In the Judicial Code of 1911 the eastern and the western districts of Missouri each had one judge. In 1922 a second judge was added to each district temporarily, and in 1935 the second judge in each district was made permanent. In 1936 one roving judge for both districts was added permanently. In 1942 a second roving judge was added temporarily (act of December 24, 1942, ch. 817, 56 Stat. 1083).

At the present time one of the roving judges, Judge Richard M. Duncan, who occupies the temporary position, spends almost all of his time in the western district, and the other, Judge Roy W. Harper, spends practically all of his time in the eastern district. Thus, in effect, each district has had three judges.

Court in the eastern district is held at St. Louis, Hannibal, and Cape Girardeau. Court in the western district is held at Kansas City, Joplin, St. Joseph, Jefferson City, and Springfield.

The reason for the temporary provision in 1942 was that Congress was not entirely satisfied at that time that the need would be permanent. The fact is that the average number of civil cases filed per year in both districts together since 1942 has been materially larger than the average for 1942 and the two preceding years. This is also true for the last 3 years of private civil cases, which on the average take a considerably longer time to dispose of than civil cases in which the United States is a party. From table 1, which is attached, it is apparent that the civil business of the two districts, although fluctuating, has increased considerably during the last 10 years. This increase is particularly noticeable in the private civil filings. The figures below, taken from table 1 attached, show the total civil and the private civil cases commenced:

	Total civil		Private civil	
	Missouri (eastern)	Missouri (western)	Missouri (eastern)	Missouri (western)
1940.....	457	574	188	356
1941.....	758	508	199	268
1942.....	1,155	598	199	292
1943.....	543	513	126	194
1944.....	594	431	146	179
1945.....	1,105	1,940	157	169
1946.....	1,167	1,375	287	218
1947.....	850	811	302	313
1948.....	560	595	330	314
1949.....	750	843	306	394
1950.....	808	825	279	458

The large number of civil cases filed in the eastern district of Missouri in 1942 was due to a very large number of land condemnation cases (661) filed in that year. The abrupt and enormous increase in total civil cases commenced in 1945 and 1946 was the result of the filing of hundreds of United States civil OPA cases. Since these cases generally take less time to dispose of, the burden of work did not increase in the same proportion. It is noteworthy that private civil filings in the eastern district increased from around 190 10 years ago to over 275 in 1950 and in the western district from around 300 to 458.

Table 2 attached gives the number of cases commenced per judge for the last 10 years in comparison with the cases commenced for the average Federal judge.

Table 3 shows the time required to dispose of cases as indicated by the median times from filing to termination and from issue to trial.

To relate the number of cases filed to the burden upon the judges, the case load per judge must be examined in comparison with the load of the average judge as set forth in table 2. The total civil and the private civil case load is abstracted below:

	Total civil cases filed per judge			Private civil cases filed per judge		
	Missouri (eastern)	Missouri (western)	84 districts ¹	Missouri (eastern)	Missouri (western)	84 districts ¹
1940.....	183	230	153	75	142	81
1941.....	303	203	164	80	107	82
1942.....	462	239	168	80	117	77
1943.....	181	171	158	42	65	58
1944.....	198	144	169	49	60	56
1945.....	368	647	295	52	56	57
1946.....	389	458	321	96	73	70
1947.....	283	270	271	101	104	109
1948.....	187	198	205	110	105	117
1949 ¹	250	281	238	102	131	121
1950 ¹	269	275	222	93	153	113

¹ 86 districts for 1949 and 1950.

Although the business per judge has fluctuated, it has usually equaled or exceeded the national average. Particularly noteworthy is the heavier burden of private civil cases in the western district for 1950. It should be remembered that these averages are calculated on the basis of three judges in each district, that one of these judgeships is temporary, and that the retirement of one judge would immediately raise the workload, which is already above the national average, to a substantially higher level.

Different types of cases impose different burdens of work. In the following categories one or the other of the districts had more filings per judge than the eighth circuit or the 86 district average:

Civil filings per judge, fiscal year 1950

	Eastern Missouri	Western Missouri	8th circuit	86 districts
Civil:				
Total cases.....	269	275	204	222
United States cases.....	176	122	113	109
Private cases.....	93	153	91	113
United States plaintiff.....	170	96	99	89
OPA, rent control.....	100	43	31	26
Food and Drug Act.....	16	16	9	8
United States defendant.....	7	26	14	21
Habeas corpus.....	1 ¹ / ₃	12	2	4
Federal question.....	19	32	21	34
Employers' Liability Act.....	2	9	4	5
Diversity of citizenship.....	73	119	69	66
Insurance.....	7	11	7	11
Other contracts.....	12	16	13	13
Real property.....	2	10	5	4
Personal injury (auto).....	33	56	28	20
Personal injury (other).....	13	15	11	13
Other diversity.....	5	10	6	5
Criminal cases.....	134	149	96	182

Attention should be called again to the fact that this case load per judge is based upon three judges in each district. Should the temporary judgeship lapse upon the retirement of a judge now sitting, the load on the remaining judges would become substantially heavier.

In addition to the figures on cases filed, it should be mentioned that this district has had a heavy burden of work in condemnations and railroad reorganizations. Condemnation suits have been filed in large numbers for the Jefferson Memorial in St. Louis, for a wildlife refuge, and for dams, ordnance plants, and river-control projects. They deserve special mention because of the large amount of work and the difficult trials required to fix valuations and determine ownership. There are still pending in the eastern district section 77 railroad reorganization cases for the Missouri Pacific, St. Louis & San Francisco, and St. Louis Southwestern Railroads. These take much time.

The extent to which the judges have been able to keep abreast of this burden of work is indicated by the number of pending cases set forth in table 1 and by the time required to dispose of cases, table 3. In the eastern district the number of pending civil cases increased from 424 10 years ago to 469 on June 30, 1950, and of pending private cases from 175 to 260. In the western district the pending civil cases increased from 450 10 years ago to 613 on June 30, 1950, and the number of pending private civil cases remained about the same, 337 in 1940 and 333 in 1950. These figures indicate that the judges have not been able to keep abreast of the incoming civil business.

The judges have, however, kept the time of disposal below the national average so that litigants are not obliged to suffer the loss and expense of delays. The time of disposal is calculated only for cases with a trial, and land condemnations, habeas corpus, and forfeiture cases are excluded as not typical. The measure is the median time; that is, the middle time when all times of disposal are arranged in order. The median time from filing to termination in the eastern district in 1949 was 7.6 months and in the western district was 8.3 months, both substantially less than the national median of 10.4 months. (See table 3.) In 1950, the medians were 9 months and 10.3 months, respectively.

The tables attached give information about criminal as well as civil business. The number of criminal cases commenced in the two Missouri districts since 1942 fluctuated considerably during the 10-year period. For the western district of Missouri the average per year for 1949 and 1950 was slightly less than for 1941 and 1942 and for the eastern district it was substantially less. However, since some 75 to 80 percent of all defendants in criminal cases plead guilty, the disposition of the criminal cases in the Federal courts in Missouri takes very much less time than the disposition of civil cases and therefore the criminal case load is much less important.

The number of civil cases filed in the first half of the fiscal year 1951 indicates that the case load for the two districts will remain at a high level. In the first half of 1950 there were 371 and 430 civil cases filed in the eastern and western districts of Missouri, respectively, and for the first half of 1951, 470 and 386, respectively, a net gain of 55 cases for the two districts. There were 125 and 242 private civil cases filed in each district, respectively, in the first half of 1950 and 173 and 208 such cases filed in the first half of 1951 in each district, respectively, a net gain of 14 private civil cases for both districts.

The record of the case filings and of the judges in disposing of cases in these two districts indicates that there is no excess judge power. The judges have a good record as to the time required for disposition of their business. But the temporary judge is needed permanently in order to maintain this record.

Respectfully submitted.

WILL SHAFROTH,
Chief of the Division of Procedural Studies and Statistics.

68 APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

EASTERN DISTRICT OF MISSOURI

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the eastern district of Missouri, fiscal years 1940-51 (first half)

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1940.....	457	411	424
1941.....	758	493	689
1942.....	1,155	1,054	790
1943.....	543	737	596
1944.....	594	669	521
1945.....	1,105	1,138	488
1946.....	1,167	1,060	595
1947.....	850	958	487
1948.....	560	628	419
1949.....	750	663	506
1950.....	808	845	469
1951 (first half).....	470	461	478

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	269	154	249	188	257	175
1941.....	559	296	512	199	197	177
1942.....	956	887	581	199	167	209
1943.....	417 (37)	551	447	126	186	149
1944.....	448 (167)	521	374	146	148	147
1945.....	948 (585)	963	359	157	175	129
1946.....	880 (642)	851	388	287	209	207
1947.....	548 (309)	673	263	302	285	224
1948.....	230 (77)	327	166	330	301	253
1949.....	444 (224)	384	226	306	279	280
1950.....	529 (301)	546	209	279	299	260
1951 (first half).....	297 (131)	314	192	173	147	286

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	544	528	155	328	378	627
1941.....	540	517	178	393	506	514
1942.....	497	470	206	354	479	390
1943.....	1,350	1,369	187	224	412	243
1944.....	649	691	145	151	233	161
1945.....	491	475	161	93	160	94
1946.....	409	451	119	58	81	71
1947.....	² 424	² 462	88	79	75	75
1948.....	² 396	² 382	95	86	48	113
1949.....	² 325	² 360	57	126	83	156
1950.....	² 403	² 373	82	-----	-----	-----
1951 (first half).....	² 128	² 165	49	-----	-----	-----

¹ OPA cases, including rent control, are separately listed because from 1945 to 1949 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

EASTERN DISTRICT OF MISSOURI—Continued

TABLE 2.—Case load per judgeship for the eastern district of Missouri for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges Missouri (eastern)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Missouri (eastern)	84 districts ¹	Missouri (eastern)	84 districts ¹
1940.....	2½	183	153	218	178
1941.....	2½	303	164	216	165
1942.....	3	462	168	199	174
1943.....	3	181	158	450	190
1944.....	3	198	169	216	211
1945.....	3	368	295	164	209
1946.....	3	389	321	136	171
1947.....	3	283	271	141	173
1948.....	3	187	205	132	167
1949.....	3	250	238	108	177
1950.....	3	269	222	134	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States		Missouri (eastern)	84 districts ¹
	Missouri (eastern)	84 districts ¹	Missouri (eastern)	84 districts ¹	Missouri (eastern)	84 districts ¹		
1940.....	108	72	-----	-----	108	72	75	81
1941.....	224	83	-----	-----	224	83	80	82
1942.....	382	91	-----	-----	382	91	80	77
1943.....	139	100	12	12	127	88	42	58
1944.....	150	113	56	37	94	76	49	56
1945.....	316	238	195	160	121	78	52	57
1946.....	303	251	214	174	79	77	96	70
1947.....	182	162	103	84	79	78	101	109
1948.....	77	87	26	20	51	67	110	117
1949.....	148	118	75	33	73	74	102	121
1950.....	176	109	-----	-----	-----	-----	93	113

¹ 1949 and 1950 figures are based on 86 districts, others on 84. This column represents the national average.

NOTE.—A temporary additional position of a judge to serve in both the eastern and western districts of Missouri was created by the act of Dec. 24, 1942. Therefore, case load per judge statistics are based on 3 judges in the eastern district beginning with fiscal year 1943. For 1940-42, 2½ judges were used because during those years there were 2 permanent judges in the district and 1 judge whose services were shared with the western district.

EASTERN DISTRICT OF MISSOURI—Continued

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the eastern district of Missouri (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts	2,883	29.6	9.0	32.4	5.3
Missouri (eastern)	54	18.5	8.5	31.5	5.7
1946:					
84 districts	3,421	29.3	8.9	33.4	5.0
Missouri (eastern)	55	23.6	8.0	43.6	3.6
1947:					
84 districts	3,963	31.9	9.0	32.1	5.1
Missouri (eastern)	101	26.7	7.9	35.6	4.1
1948:					
84 districts	4,548	26.7	9.9	27.4	5.8
Missouri (eastern)	79	35.4	7.6	34.2	4.4
1949:					
86 districts	4,847	28.5	10.4	28.2	5.9
Missouri (eastern)	117	42.7	7.6	45.3	3.5
1950:					
86 districts	5,020	22.3	11.2	24.5	6.7
Missouri (eastern)	148	29.7	9.0	33.1	4.3

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or, if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

WESTERN DISTRICT OF MISSOURI

TABLE 1.—*Cases commenced and terminated during the year and pending at the end of the year for the Western District of Missouri for the fiscal years 1940-51 (first half)*

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940	574	516	450
1941	508	685	273
1942	598	577	294
1943	513	490	317
1944	431	512	236
1945	1,940	1,063	513
1946	1,375	1,427	461
1947	811	830	442
1948	595	595	442
1949	843	724	561
1950	825	773	613
1951 (first half)	386	301	698

WESTERN DISTRICT OF MISSOURI—Continued

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the Western District of Missouri for the fiscal years 1940-51 (first half)—Continued

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1940.....	218	210	113	356	306	337
1941.....	240	228	125	268	457	148
1942.....	306 (2)	273	158	292	304	136
1943.....	319 (35)	283	194	194	207	123
1944.....	252 (48)	310	136	179	202	100
1945.....	1,771 (1,578)	1,524	383	169	139	130
1946.....	1,157 (957)	1,249	291	218	178	170
1947.....	498 (271)	584	205	313	246	237
1948.....	281 (41)	282	204	314	313	238
1949.....	449 (203)	358	295	394	366	266
1950.....	367 (128)	382	280	458	391	333
1951 (first half).....	178 (51)	155	303	208	146	395

Fiscal year	Criminal			Bankruptcy		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1940.....	466	479	153	640	813	798
1941.....	359	440	72	792	775	815
1942.....	508	470	137	659	712	761
1943.....	415	432	120	352	556	557
1944.....	448	496	72	200	351	406
1945.....	404	385	91	133	243	296
1946.....	443	465	69	127	156	267
1947.....	² 391	² 368	84	132	246	153
1948.....	² 575	² 476	181	201	136	218
1949.....	² 394	² 431	144	264	203	279
1950.....	² 446	² 532	69	-----	-----	-----
1951 (first half).....	² 160	² 168	53	-----	-----	-----

¹ OPA cases, including rent control, are separately listed because from 1945 to 1949 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

TABLE 2.—Case load per judgeship for the western district of Missouri for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, Missouri (western)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Missouri (western)	84 districts ¹	Missouri (western)	84 districts ¹
1940.....	2½	230	153	186	178
1941.....	2½	203	164	144	165
1942.....	2½	239	168	203	174
1943.....	3	171	158	138	190
1944.....	3	144	169	149	211
1945.....	3	647	295	135	209
1946.....	3	458	321	148	171
1947.....	3	270	271	130	173
1948.....	3	198	205	192	167
1949.....	3	281	238	131	177
1950.....	3	275	222	149	169

¹ This column gives average case load per judgeship in districts having purely Federal jurisdiction. The figure for 1949 and 1950 is for 86 districts.

WESTERN DISTRICT OF MISSOURI—Continued

TABLE 2.—Case load per judgeship for the western district of Missouri for the fiscal years 1940 to 1950, inclusive—Continued

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States			
	Missouri (western)	84 districts ¹	Missouri (western)	84 districts ¹	Missouri (western)	84 districts ¹	Missouri (western)	84 districts ¹
1940.....	87	72			87	72	142	81
1941.....	96	83			96	83	107	82
1942.....	122	91			122	91	117	77
1943.....	107	100	12	12	95	88	65	58
1944.....	84	113	16	37	68	76	60	56
1945.....	590	238	526	160	64	78	56	57
1946.....	386	251	319	174	67	77	73	70
1947.....	166	162	90	84	76	78	104	109
1948.....	94	87	14	20	80	67	105	117
1949.....	150	118	68	33	82	74	131	121
1950.....	122	109					153	113

¹ This column gives average case load per judgeship in districts having purely Federal jurisdiction. The figure for 1949 and 1950 is for 86 districts.

NOTE.—A temporary position of a judge to serve in both the eastern and western districts of Missouri was created by the act of Dec. 24, 1942. Therefore case load per judge statistics are based on 3 judges in the western district beginning with fiscal year 1943. For 1940-42, 2½ judges are used because during those years there were 2 permanent judges in the district and 1 judge whose services were shared with the eastern district. Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the western district of Missouri (not including land condemnation, habeas corpus, and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	32.4	5.3
Missouri (western).....	38	47.4	5.8	34.2	4.3
1946:					
84 districts.....	3,421	29.3	8.9	33.4	5.0
Missouri (western).....	67	35.8	6.7	29.9	4.4
1947:					
84 districts.....	3,963	31.9	9.0	32.1	5.1
Missouri (western).....	71	28.2	10.1	16.9	6.6
1948:					
84 districts.....	4,548	26.7	9.9	27.4	5.8
Missouri (western).....	62	17.7	10.5	12.9	8.7
1949:					
86 districts.....	4,847	28.5	10.4	28.2	5.9
Missouri (western).....	95	37.9	8.3	25.3	6.0
1950:					
86 districts.....	5,020	22.3	11.2	24.5	6.7
Missouri (western).....	120	24.2	10.3	23.3	6.6

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial.

APPENDIX 11

DISTRICT OF NEVADA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the district of Nevada for the fiscal years 1940–50 and for the first half of fiscal year 1951

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	91	53	96
1941.....	43	44	95
1942.....	63	92	66
1943.....	75	78	63
1944.....	54	42	75
1945.....	122	74	123
1946.....	85	120	88
1947.....	89	79	98
1948.....	71	79	90
1949.....	81	73	98
1950.....	93	86	105
1951 (first half).....	33	43	95

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	61	28	53	30	25	43
1941.....	23	19	57	20	25	38
1942.....	35	65	27	28	27	39
1943.....	50 (1)	50	27	25	78	36
1944.....	36 (4)	27	36	18	15	39
1945.....	100 (78)	49	87	22	25	36
1946.....	64 (42)	100	51	21	20	37
1947.....	54 (23)	47	58	35	32	40
1948.....	33 (16)	49	42	38	30	48
1949.....	50 (25)	45	47	31	28	51
1950.....	53 (22)	48	52	40	38	53
1951 (first half).....	14 (1)	26	40	19	17	55

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	185	181	38	25	21	78
1941.....	122	136	24	21	29	70
1942.....	165	158	31	17	26	61
1943.....	221	235	17	18	5	74
1944.....	192	177	32	9	15	68
1945.....	157	161	28	5	18	55
1946.....	168	180	16	6	9	52
1947.....	² 178	² 179	16	7	14	45
1948.....	² 131	² 131	21	9	5	49
1949.....	² 116	² 111	27	12	9	52
1950.....	² 115	² 128	17	15	34	33
1951 (first half).....	² 57	² 50	25	11	14	30

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.
² Transferred cases not included.

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DISTRICT OF NEVADA—Continued

TABLE 2.—Case load per judgeship for the District of Nevada for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, Nevada	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Nevada	84 districts	Nevada	84 districts
1940.....	1	91	153	185	178
1941.....	1	43	164	122	165
1942.....	1	63	168	165	174
1943.....	1	75	158	221	190
1944.....	1	54	169	192	211
1945.....	1	122	295	157	209
1946.....	1	85	321	168	171
1947.....	1	89	271	178	173
1948.....	1	71	205	131	167
1949.....	1	81	238	116	177
1950.....	1	93	222	115	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States			
	Nevada	84 districts	Nevada	84 districts	Nevada	84 districts	Nevada	84 districts
1940.....	61	72	-----	-----	61	72	30	81
1941.....	23	83	-----	-----	23	83	20	82
1942.....	35	91	-----	-----	35	91	28	77
1943.....	50	100	1	12	49	88	25	58
1944.....	36	113	4	37	32	76	18	56
1945.....	100	238	78	160	22	78	22	57
1946.....	64	251	42	174	22	77	21	70
1947.....	54	162	23	84	31	78	35	109
1948.....	33	87	16	20	17	67	38	117
1949.....	50	118	-----	-----	-----	-----	31	121
1950.....	53	109	-----	-----	-----	-----	40	113

NOTE 1.—Land-condemnation cases tried: 1945, 4; 1946, 3; 1947, 0; 1948, 4.

NOTE 2.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the district of Nevada (not including land condemnation, habeas corpus and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition—percent requiring less than 6 months	Issue to trial—percent requiring less than 3 months
1945:			
84 districts.....	2,883	29.6	32.4
Nevada.....	8	12.5	75.0
1946:			
84 districts.....	3,421	29.3	33.4
Nevada.....	4	25.0	None
1947:			
84 districts.....	3,963	31.9	32.1
Nevada.....	11	9.1	18.2
1948:			
84 districts.....	4,548	26.7	27.4
Nevada.....	7	14.3	None
1949:			
86 districts.....	4,847	28.5	28.2
Nevada.....	16	None	6.3
1950:			
86 districts.....	5,020	22.3	24.5
Nevada.....	11	None	None

APPENDIX 12

SOUTHERN DISTRICT OF NEW YORK

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	3,597	3,423	4,087
1942.....	2,778	3,371	3,494
1943.....	2,949	2,950	3,493
1944.....	4,552	3,568	4,477
1945.....	6,698	5,317	5,858
1946.....	6,492	4,916	7,434
1947.....	7,373	4,708	10,099
1948.....	5,896	5,147	10,848
1949.....	5,480	5,130	11,098
1950.....	5,210	5,174	11,134
1951 (first half).....	2,325	2,076	11,383
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Commenced	Terminated	Pending June 30	Com- menced	Terminated	Pending June 30
1941.....	1,202	1,147	1,138	2,395	2,276	2,949
1942.....	761	1,052	847	2,017	2,319	2,647
1943.....	972 (66)	800	1,019	1,977	2,150	2,474
1944.....	2,664 (1,160)	1,673	2,010	1,888	1,895	2,467
1945.....	5,011 (2,782)	3,684	3,337	1,687	1,633	2,521
1946.....	4,827 (1,866)	3,550	4,614	1,665	1,366	2,820
1947.....	3,728 (1,000)	2,949	5,393	3,645	1,759	4,706
1948.....	1,594 (172)	2,877	4,110	4,302	2,270	6,738
1949.....	1,463 (254)	2,113	3,460	3,917	3,017	7,638
1950.....	1,374 (245)	1,963	2,871	3,836	3,211	8,263
1951 (first half).....	457 (2)	695	2,633	1,868	1,381	8,750
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	1,095	1,091	1,041
1942.....	1,150	1,123	1,068
1943.....	1,189	1,211	1,046
1944.....	1,471	1,512	1,005
1945.....	1,506	1,565	946
1946.....	1,266	1,481	731
1947.....	1,317	1,357	730
1948.....	933	1,148	538
1949.....	869	933	515
1950.....	987	826	697
1951 (first half).....	401	387	724
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

SOUTHERN DISTRICT OF NEW YORK—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Southern district of New York			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	13	3,597	277	164
1942.....	13	2,778	214	168
1943.....	13	2,949	227	158
1944.....	12	4,552	379	169
1945.....	12	6,698	558	295
1946.....	12	6,492	541	321
1947.....	12	7,373	614	271
1948.....	12	5,896	491	205
1949.....	12	5,380	448	238
1950.....	16	5,210	326	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Southern district of New York		National average, ¹ cases commenced per judgeship	Southern district of New York		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	1,202	92	83	2,395	184	82
1942.....	761	59	91	2,017	155	77
1943.....	972	75	100	1,977	152	58
1944.....	2,664	222	113	1,888	157	56
1945.....	5,011	418	238	1,687	141	57
1946.....	4,827	402	251	1,665	139	70
1947.....	3,728	311	162	3,645	304	109
1948.....	1,594	133	87	4,302	359	117
1949.....	1,463	122	118	3,917	326	121
1950.....	1,374	86	109	3,836	240	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Southern district of New York		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	1,095	84	165
1942.....	1,150	88	174
1943.....	1,189	91	190
1944.....	1,471	123	211
1945.....	1,506	126	200
1946.....	1,266	106	171
1947.....	1,317	110	173
1948.....	933	78	167
1949.....	869	72	177
1950.....	987	62	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

SOUTHERN DISTRICT OF NEW YORK—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year, beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time intervals (in months) ¹			
			Filing to disposition		Issue to trial	
	New York (southern)	84 districts ²	New York (southern)	84 districts ²	New York (southern)	84 districts ²
1945.....	340	2,883	15.2	9.0	8.2	5.3
1946.....	325	3,421	16.0	8.9	10.1	5.0
1947.....	277	3,963	17.9	9.0	11.4	5.1
1948.....	311	4,548	22.5	9.9	15.1	5.8
1949.....	313	4,847	25.7	10.4	18.8	5.9
1950.....	249	5,020	32.4	11.2	21.1	6.7
1951.....						
1952.....						

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the two middle cases. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

² Through 1948; 86 districts 1949 and 1950. This column includes all districts having purely Federal jurisdiction.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

SOUTHERN DISTRICT OF NEW YORK—Continued

TABLE 4.—Cases commenced per judgeship in the southern district of New York and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average ¹ cases terminated 1950, percentage reaching trial
	New York (southern)	86 districts	
Civil cases:			
Total cases.....	326	222	13
United States cases.....	86	109	11
Private cases.....	240	113	15
United States plaintiff.....	45	89	9
Land condemnation.....		4	
OPA, rent control.....	15	26	15
Fair Labor Standards Act.....	2	2	5
Other enforcement.....	8	5	6
Food and Drug Act.....	6	8	1
Liquor laws.....	1	3	32
Other forfeitures.....	3	4	10
Negotiable instruments.....	1	21	1
Other contracts.....	5	10	3
Other United States plaintiff.....	4	7	5
United States defendant.....	41	21	20
Habeas corpus.....	11	4	22
Tort Claims Act.....	3	5	25
Tax suits.....	4	4	26
Other United States defendant.....	23	7	15
Federal question.....	107	34	13
Copyright.....	4	1	15
Employers' Liability Act.....	7	5	25
Fair Labor Standards Act.....	2	1	9
Habeas corpus.....	1	3	10
Jones Act.....	70	9	7
Miller Act.....	3	1	17
Patent.....	10	3	15
Other Federal question.....	13	11	14
Diversity of citizenship.....	58	66	18
Insurance.....	3	11	16
Other contracts.....	20	13	18
Real property.....	1	4	21
Personal injury (auto).....	8	20	18
Personal injury (other).....	20	13	19
Other diversity.....	6	5	15
Admiralty.....	75	14	6
Criminal cases.....	62	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 13

EASTERN DISTRICT NORTH CAROLINA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the eastern district of North Carolina for the fiscal years 1940-51

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1940.....	184	192	119
1941.....	250	258	111
1942.....	208	148	171
1943.....	178	169	180
1944.....	168	185	163
1945.....	260	244	179
1946.....	216	264	131
1947.....	188	176	143
1948.....	132	140	135
1949.....	210	172	173
1950.....	268	204	237
1951 (first half).....	132	102	267

Fiscal year	United States civil cases (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	99	106	54	85	86	65
1941.....	195	191	58	55	67	53
1942.....	138	97	99	70	51	72
1943.....	135 (29)	109	125	43	60	55
1944.....	146 (39)	154	117	22	31	46
1945.....	236 (97)	225	128	24	19	51
1946.....	182 (88)	236	74	34	28	57
1947.....	147 (69)	140	81	41	36	62
1948.....	86 (16)	99	68	46	41	67
1949.....	135 (19)	116	87	75	56	86
1950.....	179 (12)	138	128	89	66	109
1951 (first half).....	79	70	137	53	32	130

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	530	547	70	157	139	122
1941.....	519	523	66	163	138	147
1942.....	461	463	64	72	95	124
1943.....	605	615	54	43	62	105
1944.....	691	683	62	9	45	69
1945.....	845	801	106	8	25	52
1946.....	463	499	70	4	13	43
1947.....	² 449	² 454	62	8	41	10
1948.....	² 350	² 357	61	14	7	17
1949.....	² 661	² 551	171	26	19	24
1950.....	² 755	² 722	204	33	17	40
1951 (first half).....	² 257	² 357	105	14	11	43

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

TABLE 2.—Case load per judgeship for the eastern district of North Carolina for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, North Carolina (eastern)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		North Carolina (eastern)	84 districts	North Carolina (eastern)	84 districts
1940	1	184	153	530	178
1941	1	250	164	519	165
1942	1	208	168	461	174
1943	1	178	158	605	190
1944	1	168	169	691	211
1945	1	260	295	845	209
1946	1	216	321	463	171
1947	1	188	271	449	173
1948	1	132	205	350	167
1949 ¹	1	210	238	643	177
1950 ¹	1	268	222	730	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States		North Carolina (eastern)	84 districts
	North Carolina (eastern)	84 districts	North Carolina (eastern)	84 districts	North Carolina (eastern)	84 districts		
1940	99	72			99	72	85	81
1941	195	83			195	83	55	82
1942	138	91			138	91	70	77
1943	135	100	29	12	106	88	43	58
1944	146	113	39	37	107	76	22	56
1945	236	238	97	160	139	78	24	57
1946	182	251	88	174	94	77	34	70
1947	147	162	69	84	78	78	41	109
1948	86	87	16	20	70	67	46	117
1949 ¹	135	118					75	121
1950 ¹	179	109					89	113

¹ 86 districts for 1949 and thereafter.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the eastern district of North Carolina (not including land condemnation, habeas corpus, and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition—percent requiring less than 6 months	Issue to trial—percent requiring less than 3 months
1945:			
84 districts	2,883	29.6	32.4
North Carolina (eastern)	16	50.0	43.8
1946:			
84 districts	3,421	29.3	33.4
North Carolina (eastern)	20	60.0	65.0
1947:			
84 districts	3,963	31.9	32.1
North Carolina (eastern)	15	33.3	33.3
1948:			
84 districts	4,548	26.7	27.4
North Carolina (eastern)	20	15.0	25.0
1949:			
86 districts	4,847	28.5	28.2
North Carolina (eastern)	17	35.3	29.4
1950:			
86 districts	5,020	22.3	24.5
North Carolina (eastern)	19	31.6	36.8

MIDDLE DISTRICT OF NORTH CAROLINA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the middle district of North Carolina for the fiscal years 1940-51

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1940.....	105	125	65
1941.....	128	138	55
1942.....	129	122	62
1943.....	105	102	65
1944.....	86	98	53
1945.....	176	149	80
1946.....	136	155	61
1947.....	143	131	73
1948.....	116	135	54
1949.....	160	134	80
1950.....	150	161	69
1951 (first half).....	72	40	101

Fiscal year	United States civil cases (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	60	71	24	45	54	41
1941.....	90	93	21	38	45	34
1942.....	91	84	28	38	38	34
1943.....	78 (6)	68	38	27	34	27
1944.....	72 (16)	75	35	14	23	18
1945.....	156 (71)	126	65	20	23	15
1946.....	111 (51)	139	37	25	16	24
1947.....	103 (34)	95	45	40	36	28
1948.....	93 (8)	101	37	23	34	17
1949.....	118 (12)	111	44	42	23	36
1950.....	100 (9)	112	32	50	49	37
1951 (first half).....	47	29	50	25	11	51
						H

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	538	674	105	62	80	140
1941.....	527	529	103	60	96	104
1942.....	436	379	² 161	42	50	96
1943.....	503	482	182	15	44	67
1944.....	645	675	152	8	36	39
1945.....	609	597	164	6	18	27
1946.....	392	452	104	4	19	12
1947.....	³ 351	³ 368	80	4	6	10
1948.....	³ 341	³ 298	111	15	7	14
1949.....	³ 429	³ 435	105	10	14	18
1950.....	³ 461	³ 423	143	14	13	15
1951 (first half).....	³ 222	³ 241	123	7	6	16

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Adjusted.

³ Transferred cases not included.

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MIDDLE DISTRICT OF NORTH CAROLINA—Continued

TABLE 2.—Case load per judgeship for the middle district of North Carolina for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, North Carolina (middle)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		North Carolina (middle)	84 districts	North Carolina (middle)	84 districts
1940.....	1	105	153	538	178
1941.....	1	128	164	527	165
1942.....	1	129	168	436	174
1943.....	1	105	158	503	190
1944.....	1	86	169	645	211
1945.....	1	176	295	609	209
1946.....	1	136	321	392	171
1947.....	1	143	271	351	173
1948.....	1	116	205	341	167
1949 ¹	1	160	238	424	177
1950 ¹	1	150	222	454	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States			
	North Carolina (middle)	84 districts	North Carolina (middle)	84 districts	North Carolina (middle)	84 districts	North Carolina (middle)	84 districts
1940.....	60	72			60	72	45	81
1941.....	90	83			90	83	38	82
1942.....	91	91			91	91	38	77
1943.....	78	100	6	12	72	88	27	58
1944.....	72	113	16	37	56	76	14	56
1945.....	156	238	71	160	85	78	20	57
1946.....	111	251	51	174	60	77	25	70
1947.....	103	162	34	84	69	78	40	109
1948.....	93	87	8	20	85	67	23	117
1949 ¹	118	118					42	121
1950 ¹	100	109					50	113

¹ 86 districts for 1949 and thereafter.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

MIDDLE DISTRICT OF NORTH CAROLINA—Continued

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the middle district of North Carolina (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	{ 32.4 }	5.3
North Carolina (middle).....	10	70.0		{ 50.0 }	
1946:					
84 districts.....	3,421	29.3	8.9	{ 33.4 }	5.0
North Carolina (middle).....	24	37.5		{ 37.5 }	
1947:					
84 districts.....	3,963	31.9	9.0	{ 32.1 }	5.1
North Carolina (middle).....	12	41.7		{ 25.0 }	
1948:					
84 districts.....	4,548	26.7	9.9	{ 27.4 }	5.8
North Carolina (middle).....	19	10.5		{ 15.8 }	
1949:					
86 districts.....	4,847	28.5	10.4	{ 28.2 }	5.9
North Carolina (middle).....	8	12.5		{ 12.5 }	
1950:					
86 districts.....	5,020	22.3	11.2	{ 24.5 }	6.7
North Carolina (middle).....	15	53.3		{ 20.0 }	

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

WESTERN DISTRICT OF NORTH CAROLINA

TABLE 1.—*Cases commenced and terminated during the year and pending at the end of the year for the western district of North Carolina for the fiscal years 1940-51*

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1940.....	157	213	152
1941.....	183	195	140
1942.....	195	176	159
1943.....	119	156	122
1944.....	156	129	149
1945.....	220	150	219
1946.....	149	173	195
1947.....	158	186	167
1948.....	153	180	140
1949.....	242	246	136
1950.....	166	150	152
1951 (first half).....	101	98	155

WESTERN DISTRICT OF NORTH CAROLINA—Continued

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the western district of North Carolina for the fiscal years 1940-51—Continued

Fiscal year	United States civil cases (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	98	155	79	59	58	73
1941.....	136	130	85	47	65	55
1942.....	140	113	112	55	63	47
1943.....	96 (1)	118	90	23	38	32
1944.....	131 (—)	103	118	25	26	31
1945.....	191 (60)	128	181	29	22	38
1946.....	122 (42)	150	153	27	23	42
1947.....	127 (42)	160	120	31	26	47
1948.....	93 (19)	132	81	60	48	59
1949.....	166 (33)	168	79	76	78	57
1950.....	107 (19)	95	91	59	55	61
1951 (first half).....	59	65	85	42	33	

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	474	527	191	44	59	139
1941.....	513	475	229	45	37	² 150
1942.....	515	536	208	34	53	131
1943.....	355	413	150	16	92	55
1944.....	450	439	161	5	22	38
1945.....	396	386	171	1	18	21
1946.....	320	337	154	3	5	19
1947.....	³ 406	³ 384	179	8	11	16
1948.....	³ 338	³ 370	147	10	3	23
1949.....	³ 346	³ 381	112	24	12	35
1950.....	³ 403	³ 374	141	23	24	34
1951 (first half).....	³ 135	³ 194	82	10	19	25

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Adjusted.

³ Transferred cases not included.

TABLE 2.—Case load per judgeship for the western district of North Carolina for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, North Carolina (western)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		North Carolina (western)	84 districts	North Carolina (western)	84 districts
1940.....	1	157	153	474	178
1941.....	1	183	164	513	165
1942.....	1	195	168	515	174
1943.....	1	119	158	355	190
1944.....	1	156	169	450	211
1945.....	1	220	295	396	209
1946.....	1	149	321	320	171
1947.....	1	168	271	406	173
1948.....	1	153	205	338	167
1949 ¹	1	242	238	337	177
1950 ¹	1	166	222	392	169

WESTERN DISTRICT OF NORTH CAROLINA—Continued

TABLE 2.—*Case load per judgeship for the western district of North Carolina for the fiscal years 1940 to 1950, inclusive—Continued*

Fiscal year	United States civil cases per judge (United States a party)						Private cases per judge, total	
	Total		OPA		Other		North Carolina (western)	84 districts
	North Carolina (western)	84 districts	North Carolina (western)	84 districts	North Carolina (western)	84 districts		
1940.....	98	72	-----	-----	98	72	59	81
1941.....	136	83	-----	-----	236	83	47	82
1942.....	140	91	-----	-----	140	91	55	77
1943.....	96	100	1	12	95	88	23	58
1944.....	131	113	-----	37	131	76	25	56
1945.....	191	238	60	160	131	78	29	57
1946.....	122	251	42	174	80	77	27	70
1947.....	127	162	42	84	85	78	31	109
1948.....	93	87	19	20	74	67	60	117
1949 ¹	166	118	-----	-----	-----	-----	76	121
1950 ¹	107	109	-----	-----	-----	-----	59	113

¹ 86 districts for 1949 and thereafter.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the western district of North Carolina (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition—percent requiring less than 6 months	Issue to trial—percent requiring less than 3 months
1945:			
84 districts.....	2,883	29.6	32.4
North Carolina (western).....	9	22.2	22.2
1946:			
84 districts.....	3,421	29.3	33.4
North Carolina (western).....	8	25.0	37.5
1947:			
84 districts.....	3,963	31.9	32.1
North Carolina (western).....	8	50.0	50.0
1948:			
84 districts.....	4,548	26.7	27.4
North Carolina (western).....	19	26.3	21.1
1949:			
86 districts.....	4,847	28.5	28.2
North Carolina (western).....	31	41.9	29.0
1950:			
86 districts.....	5,020	22.3	24.5
North Carolina (western).....	14	50.0	21.4

APPENDIX 14

NORTHERN DISTRICT OF OHIO

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1941.....	661	665	584
1942.....	627	684	527
1943.....	771	690	608
1944.....	635	656	587
1945.....	956	777	766
1946.....	1,339	1,320	785
1947.....	1,149	1,029	905
1948.....	876	1,011	770
1949.....	1,176	921	1,025
1950.....	1,125	1,009	1,141
1951 (first half).....	532	402	1,271
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com- menced	Termi- nated	Pending June 30	Com- menced	Termi- nated	Pending June 30
1941.....	265	247	121	396	418	463
1942.....	290	246	165	337	438	362
1943.....	415 (106)	309	271	356	381	337
1944.....	379 (143)	364	286	256	292	301
1945.....	714 (532)	510	490	242	267	276
1946.....	1,048 (803)	1,077	461	291	243	324
1947.....	661 (439)	706	416	488	323	489
1948.....	361 (145)	485	292	515	526	478
1949.....	537 (266)	452	377	639	469	648
1950.....	454 (206)	491	340	671	518	801
1951.....	237 (79)	236	341	295	166	930
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	366	343	149
1942.....	364	354	159
1943.....	373	381	151
1944.....	631	631	151
1945.....	488	478	161
1946.....	370	488	43
1947.....	329	315	62
1948.....	290	340	28
1949.....	343	372	18
1950.....	320	320	26
1951.....	177	163	45
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

NORTHERN DISTRICT OF OHIO—Continued

TABLE 2.—Cases commenced, per judgeship

Fiscal year	Total civil cases			
	Northern district of Ohio			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	4	661	166	164
1942.....	4	627	157	168
1943.....	4	771	193	158
1944.....	4	635	159	169
1945.....	4	956	239	295
1946.....	4	1,339	335	321
1947.....	4	1,149	287	271
1948.....	4	876	219	205
1949.....	4	1,176	294	238
1950.....	4	1,125	281	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Northern district of Ohio		National average, ¹ cases commenced per judgeship	Northern district of Ohio		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	265	66	83	396	90	82
1942.....	290	73	91	337	84	77
1943.....	415	104	100	356	89	58
1944.....	379	95	113	256	64	56
1945.....	714	179	238	242	61	57
1946.....	1,048	262	251	291	73	70
1947.....	661	165	162	488	122	109
1948.....	361	90	87	515	129	117
1949.....	537	134	118	639	160	121
1950.....	454	114	109	671	168	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Northern district of Ohio		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	366	92	165
1942.....	364	91	174
1943.....	373	93	190
1944.....	631	158	211
1945.....	488	122	209
1946.....	370	93	171
1947.....	329	82	173
1948.....	290	73	167
1949.....	343	86	177
1950.....	320	80	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

NORTHERN DISTRICT OF OHIO—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time interval (in months) ¹			
			Filing to disposition		Issue to trial	
	Ohio (northern)	National	Ohio (northern)	National	Ohio (northern)	National
1945.....	47	2,883	17.0	9.0	11.5	5.3
1946.....	56	3,421	13.4	8.9	8.1	5.0
1947.....	85	3,963	12.5	9.0	7.4	5.1
1948.....	77	4,548	12.9	9.9	6.6	5.8
1949.....	57	4,847	11.0	10.4	6.5	5.9
1950.....	118	5,020	14.7	11.2	9.9	6.7
1951.....						
1952.....						

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases. The national median is based on 84 districts for 1945-48 and on 86 districts for 1949-50.

NORTHERN DISTRICT OF OHIO—Continued

TABLE 4.—Cases commenced per judgeship in the northern district of Ohio and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average cases terminated 1950, percentage reaching trial ¹
	Ohio (southern)	86 districts	
Civil cases:			
Total cases.....	281	222	13
United States cases.....	114	109	11
Private cases.....	168	113	15
United States plaintiff.....	104	89	9
Land condemnation.....	2	4	
OPA, rent control.....	52	26	15
Fair Labor Standards Act.....	2	2	5
Other enforcement.....	4	5	6
Food and Drug Act.....	7	8	1
Liquor laws.....		3	32
Other forfeitures.....	6	4	10
Negotiable instruments.....	25	21	1
Other contracts.....	5	10	3
Other United States plaintiff.....	2	7	5
United States defendant.....	10	21	20
Habeas corpus.....	1	4	22
Tort Claims Act.....	3	5	25
Tax suits.....	2	4	26
Other United States defendant.....	4	7	15
Federal question.....	74	34	13
Copyright.....		1	15
Employers' Liability Act.....	34	5	25
Fair Labor Standards Act.....	1	1	9
Habeas corpus.....	1	3	10
Jones Act.....	9	9	7
Miller Act.....		1	17
Patent.....	5	3	15
Other Federal question.....	24	11	14
Diversity of citizenship.....	91	66	18
Insurance.....	3	11	16
Other contracts.....	21	13	18
Real property.....	1	4	21
Personal injury (auto).....	37	20	18
Personal injury (other).....	24	13	19
Other diversity.....	6	5	15
Admiralty.....	3	14	6
Criminal cases.....	80	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 15

EASTERN DISTRICT OF PENNSYLVANIA

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

TOTAL CIVIL CASES

Fiscal year	Com- menced	Termi- nated	Pending June 30	Fiscal year	Com- menced	Termi- nated	Pending June 30
1941.....	796	884	787	1947.....	1,730	1,335	1,782
1942.....	1,169	1,216	740	1948.....	1,489	1,181	2,090
1943.....	788	733	795	1949.....	1,607	1,207	2,490
1944.....	720	653	862	1950.....	1,701	1,430	2,761
1945.....	1,458	1,189	1,131	First ¾ of 1951....	1,268	1,041	2,988
1946.....	1,501	1,245	1,387				

UNITED STATES CIVIL CASES (UNITED STATES A PARTY)

[OPA cases are in parentheses ¹]

Fiscal year	Com- menced	Termi- nated	Pending June 30	Fiscal year	Com- menced	Termi- nated	Pending June 30
1941.....	342	301	249	1947.....	649 (318)	642	616
1942.....	738	733	254	1948.....	402 (92)	442	576
1943.....	444 (11)	373	325	1949.....	451 (152)	392	635
1944.....	401 (80)	393	333	1950.....	468 (107)	388	715
1945.....	1,059 (754)	859	533	First ¾ of 1951....	335	262	788
1946.....	948 (545)	872	609				

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

PRIVATE CIVIL CASES

Fiscal year	Com- menced	Termi- nated	Pending June 30	Fiscal year	Com- menced	Termi- nated	Pending June 30
1941.....	454	583	538	1947.....	1,081	693	1,166
1942.....	431	483	486	1948.....	1,087	739	1,514
1943.....	344	360	470	1949.....	1,156	815	1,855
1944.....	319	260	529	1950.....	1,233	1,042	2,046
1945.....	399	330	598	First ¾ of 1951....	933	779	2,200
1946.....	553	373	778				

CRIMINAL CASES

[Cases transferred are not included in "Commenced" and "Terminated" columns]

Fiscal year	Com- menced	Termi- nated	Pending June 30	Fiscal year	Com- menced	Termi- nated	Pending June 30
1941.....	476	489	191	1947.....	486	631	324
1942.....	649	572	268	1948.....	428	449	323
1943.....	1,549	1,045	772	1949.....	506	551	296
1944.....	1,040	1,167	645	1950.....	490	556	244
1945.....	896	913	628	First ¾ of 1951....	322	370	191
1946.....	505	668	465				

¹ Adjusted.

TABLE 2.—Cases commenced per judgeship

TOTAL CIVIL CASES

Fiscal year	Eastern district of Pennsylvania			National average: Cases commenced per judgeship ¹
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	5	796	159	164
1942.....	5	1,169	234	168
1943.....	5	788	158	158
1944.....	5	720	144	169
1945.....	5	1,458	292	295
1946.....	5	1,501	300	321
1947.....	5½	1,730	326	271
1948.....	5½	1,489	279	205
1949.....	5½	1,607	301	238
1950.....	7½	1,701	232	222

UNITED STATES CIVIL CASES (UNITED STATES A PARTY)

Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹	Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship			Cases commenced	Cases commenced per judgeship	
1941.....	342	68	83	1946.....	948	190	251
1942.....	738	148	91	1947.....	649	122	162
1943.....	444	89	100	1948.....	402	75	87
1944.....	401	80	113	1949.....	451	85	118
1945.....	1,059	212	238	1950.....	468	64	109

PRIVATE CIVIL CASES

Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹	Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship			Cases commenced	Cases commenced per judgeship	
1941.....	454	91	82	1946.....	553	111	70
1942.....	431	86	77	1947.....	1,081	204	109
1943.....	344	69	58	1948.....	1,087	204	117
1944.....	319	64	56	1949.....	1,156	217	121
1945.....	399	80	57	1950.....	1,233	168	113

CRIMINAL CASES

Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹	Fiscal year	Eastern district of Pennsylvania		National average: Cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship			Cases commenced	Cases commenced per judgeship	
1941.....	476	95	165	1946.....	505	101	171
1942.....	649	130	174	1947.....	486	92	173
1943.....	1,549	310	190	1948.....	428	80	167
1944.....	1,040	208	211	1949.....	506	95	177
1945.....	896	179	209	1950.....	490	67	169

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter, 84 districts before 1949.

Case load per judge statistics for the years 1940-46 are based on 5 judges. For 1947 and 1948, they are based on 5½ judges because on July 24, 1946, an act was approved providing a temporary judgeship for the eastern, middle, and western district of Pennsylvania. By act approved Aug. 3, 1949, 2 additional judges were provided for this district, thus 1950 figures are on basis of 7½ judges.

Because case load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

TABLE 3.—*Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

CURRENCY OF DOCKETS

Fiscal year	Total cases terminated after trial		Median time interval (in months) ¹			
			Filing to disposition		Issue to trial	
	Pennsylvania (eastern)	National ²	Pennsylvania (eastern)	National ²	Pennsylvania (eastern)	National ²
1945	92	2,883	11.6	9.0	6.9	5.3
1946	93	3,421	12.1	8.9	7.5	5.0
1947	164	3,963	13.2	9.0	8.7	5.1
1948	153	4,548	13.7	9.9	10.3	5.8
1949	152	4,847	15.3	10.4	12.6	5.9
1950	143	5,020	17.8	11.2	12.8	6.7

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun.

Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

² This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

APPENDIX 16

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, May 16, 1950.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3480) to provide that the district judge for the eastern, middle, and western districts of Pennsylvania shall become a district judge for the middle district of Pennsylvania alone, when the first vacancy occurs in that district.

The bill would amend the act of July 24, 1946 (60 Stat. 654) authorizing the appointment of a judge to be judge for the eastern, middle, and western districts of Pennsylvania, by providing that when the first vacancy shall occur in the office of district judge for the middle district of Pennsylvania, the judge appointed to be a judge for the eastern, middle, and western districts, shall become a judge for the middle district of Pennsylvania to fill the vacancy in that district and no successor shall be appointed to the vacancy thus left in the position created by the act. The effect of the legislation would be to abolish the so-called roving judgeship for the three Pennsylvania districts. There are now two permanent judgeships authorized for the middle district of Pennsylvania and the bill would make no change in that situation.

The Judicial Conference of the United States recommended enactment of this legislation at its September 1949 meeting and it is assumed that the committee has obtained the views of the Administrative Office of the United States Courts concerning the proposal.

In view of the foregoing considerations, the Department of Justice recommends the enactment of the bill.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

MAY 10, 1950.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: You have inquired of me on May 5 concerning a bill to provide that the district judge for the eastern, middle, and western districts of Pennsylvania shall become a district judge for the middle district of Pennsylvania alone when the first vacancy occurs in that district (S. 3480).

This is a measure which was recommended by the Judicial Conference of the United States at its annual meeting held in September of 1949 (p. 6 of the September 1949 report). The present judgeship for the eastern, middle, and western districts of Pennsylvania was created by an act approved July 24, 1946 (60 Stat. 654). The act contained a proviso that when a vacancy occurred in the judgeship so created, it should not be filled. When the law was passed there were two permanent judgeships for the middle district of Pennsylvania, five for the eastern district, and three for the western district. At that time the number of judges in both the eastern and western districts was inadequate for the amount of business of the courts, and the provision that the judge authorized for the middle districts should also be a judge for the eastern and western districts, was logical.

The judge appointed under the law was a resident of Lewisburg in the middle district and he has made his headquarters in that city where they now are. He has given a considerable portion of his time since his appointment to service in the eastern and western districts of Pennsylvania, principally in the eastern district. The law passed, however, at the first session of the present Congress (Public Law 205, approved August 3, 1949) provided for two additional permanent judges for the eastern district and one additional judge on a temporary basis for the western district, which a pending bill (S. 3099) would make permanent.

There have been two permanent judgeships for the middle district of Pennsylvania since 1929 and there is no question that two district judges are needed and will be permanently needed to handle the business of that district. Information concerning the business of this and the other districts of Pennsylvania and concerning the judgeships for the three districts is contained in the attached memorandum and the accompanying tables prepared by Mr. Shafroth, chief of the Division of Procedural Studies and Statistics of this office.

The pending bill if enacted will continue the present number of judges for the middle district by providing that the incumbent of the judgeship for the three districts shall fill the vacancy arising when one occurs on account of the retirement, resignation, or death of either of the district judges who are presently judges for the middle district alone. At the time the present judge for the three districts of Pennsylvania will become a judge for the middle district only and cease to be a judge for the eastern and western districts. At the same time the judgeship for the three districts will lapse under the terms of the act of 1946 creating it. The present incumbent of that judgeship who will thenceforth be a judge for the middle district, will still be subject to assignment by the chief judge of the third circuit of which the districts in Pennsylvania are a part, to sit in the eastern and western districts if there is need under the provision of section 292 (b) of title 28 of the United States Code. But his regular sphere of duty will be only in the middle district.

The pending bill will reduce by one the number of district judges for the three districts of Pennsylvania whenever a vacancy occurs in the middle district, and consequently will be a measure of economy. I recommend its enactment.

Sincerely yours,

HENRY P. CHANDLER.

APPENDIX 17

MIDDLE DISTRICT OF TENNESSEE

TABLE 1.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	147	126	135
1942.....	106	131	110
1943.....	125	104	131
1944.....	107	78	160
1945.....	147	160	147
1946.....	198	173	172
1947.....	159	185	146
1948.....	126	99	173
1949.....	170	103	240
1950.....	162	120	282
1951 (first half).....	89	59	312
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	90	80	80	57	46	55
1942.....	83	93	70	23	38	40
1943.....	93 (5)	77	86	32	27	45
1944.....	93 (10)	49	130	14	29	30
1945.....	126 (54)	139	117	21	21	30
1946.....	179 (138)	157	139	19	16	35
1947.....	110 (60)	142	107	49	43	39
1948.....	91 (9)	68	130	35	31	43
1949.....	129 (24)	63	196	41	40	44
1950.....	97 (26)	85	208	65	35	74
1951.....	60 (7)	44	224	29	15	88
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending, June 30
1941.....	333	469	97
1942.....	419	339	177
1943.....	263	358	82
1944.....	180	213	49
1945.....	250	250	49
1946.....	182	177	54
1947.....	232	225	60
1948.....	140	166	36
1949.....	184	153	69
1950.....	338	351	52
1951 (first half).....	99	65	85
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

MIDDLE DISTRICT OF TENNESSEE—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Middle district of Tennessee			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	1	147	147	164
1942.....	1	106	106	168
1943.....	1	125	125	158
1944.....	1	107	107	169
1945.....	1	147	147	295
1946.....	1	198	198	321
1947.....	1	159	159	271
1948.....	1	126	126	205
1949.....	1	170	170	238
1950.....	1	162	162	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Middle district of Tennessee		National average, ¹ cases commenced per judgeship	Middle district of Tennessee		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	90	90	83	57	57	82
1942.....	83	83	91	23	23	77
1943.....	93	93	100	32	32	58
1944.....	93	93	113	14	14	56
1945.....	126	126	238	21	21	57
1946.....	179	179	251	19	19	70
1947.....	110	110	162	49	49	109
1948.....	91	91	87	35	35	117
1949.....	129	129	118	41	41	121
1950.....	97	97	109	65	65	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Middle district of Tennessee		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	333	333	165
1942.....	419	419	174
1943.....	263	263	190
1944.....	180	180	211
1945.....	250	250	209
1946.....	182	182	171
1947.....	232	232	173
1948.....	140	140	167
1949.....	184	184	177
1950.....	338	338	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

MIDDLE DISTRICT OF TENNESSEE—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Percentage of terminated cases requiring less than 6 months for the interval from filing to disposition		Percentage of terminated cases requiring less than 3 months for the interval from issue to trial	
	Tennessee (middle)	National	Tennessee (middle)	National ¹	Tennessee (middle)	National ¹
1945-----	16	2,883	31.3	29.6	31.3	32.4
1946-----	10	3,421	10.0	29.3	20.0	33.4
1947-----	18	3,963	18.7	31.9	33.3	32.1
1948-----	19	4,548	10.5	26.7	10.5	27.4
1949-----	23	4,847	26.1	28.5	40.4	28.2
1950-----	18	5,020	-----	22.3	5.6	24.5
1951-----	-----	-----	-----	-----	-----	-----
1952-----	-----	-----	-----	-----	-----	-----

¹ This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

MIDDLE DISTRICT OF TENNESSEE—Continued

TABLE 4.—Cases commenced per judgeship in the Middle District of Tennessee and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average ¹ cases terminated 1950, percentage reaching trial
	Tennessee (middle)	86 districts	
Civil cases:			
Total cases.....	162	222	13
United States cases.....	97	109	11
Private cases.....	65	113	5
United States plaintiff.....	75	89	9
Land condemnation.....	10	4	
OPA, rent control.....	26	26	15
Fair Labor Standards Act.....	1	2	5
Other enforcement.....	2	5	6
Food and Drug Act.....	5	8	1
Liquor laws.....	13	3	32
Other forfeitures.....	1	4	10
Negotiable instruments.....	10	21	1
Other contracts.....	7	10	3
Other United States plaintiff.....		7	5
United States defendant.....	22	21	20
Habeas corpus.....		4	22
Tort Claims Act.....	4	5	25
Tax suits.....	9	4	26
Other United States defendant.....	9	7	15
Federal question.....	17	34	13
Copyright.....		1	15
Employers' Liability Act.....	2	5	25
Fair Labor Standards Act.....	1	1	9
Habeas corpus.....		3	10
Jones Act.....		9	7
Miller Act.....	1	1	17
Patent.....	2	3	15
Other Federal question.....	11	11	14
Diversity of citizenship.....	48	66	18
Insurance.....	2	11	16
Other contracts.....	4	13	18
Real property.....	5	4	21
Personal injury (auto).....	16	20	18
Personal injury (other).....	19	13	19
Other diversity.....	2	5	15
Admiralty.....		14	6
Criminal cases.....	338	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 18

SOUTHERN DISTRICT OF TEXAS

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the southern district of Texas for the fiscal years 1940-50 and for the first half of fiscal year 1951

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	446	474	221
1941.....	422	426	217
1942.....	508	448	277
1943.....	526	379	424
1944.....	589	546	467
1945.....	802	650	619
1946.....	792	789	622
1947.....	1,036	806	852
1948.....	1,111	933	1,030
1949.....	1,210	925	1,315
1950.....	1,087	1,330	1,072
1951 (first half).....	426	461	1,037

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in the total ¹			Private civil cases		
	Total	Terminated	Pending	Commenced	Terminated	Pending
1940.....	189	194	60	257	280	161
1941.....	169	159	70	253	267	147
1942.....	207	143	134	301	305	143
1943.....	313 (20)	188	259	213	191	165
1944.....	278 (53)	275	262	311	271	205
1945.....	415 (167)	338	339	387	312	280
1946.....	337 (104)	302	374	455	487	248
1947.....	536 (269)	408	502	500	398	350
1948.....	535 (122)	415	622	576	518	408
1949.....	482 (218)	355	749	728	570	566
1950.....	295 (25)	515	529	792	815	543
1951 (first half).....	82	100	511	344	361	526

Fiscal year	Criminal			Bankruptcy		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1940.....	1,082	1,225	89	104	115	146
1941.....	777	810	56	98	89	156
1942.....	1,054	919	191	65	109	112
1943.....	1,643	1,608	226	36	76	72
1944.....	2,168	2,092	302	14	30	56
1945.....	2,668	2,897	73	10	30	36
1946.....	2,256	2,089	240	18	12	42
1947.....	² 1,955	² 2,117	79	24	31	35
1948.....	² 2,099	² 2,059	116	25	10	50
1949.....	² 2,241	² 2,270	89	52	34	68
1950.....	² 2,801	² 2,489	411	57	57	68
1951 (first half).....	² 4,501	² 4,686	220	26	9	85

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

SOUTHERN DISTRICT OF TEXAS—Continued

TABLE 2.—Case load per judgeship for the southern district of Texas for the fiscal years 1940 to 1950, inclusive

Fiscal year	Number of judges, Texas (southern)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Texas (southern)	84 districts	Texas (southern)	84 districts
1940.....	2	223	153	541	178
1941.....	2	211	164	389	165
1942.....	2	254	168	527	174
1943.....	2	263	158	822	190
1944.....	2	295	169	1,084	211
1945.....	2	401	285	1,334	209
1946.....	2	396	321	1,128	171
1947.....	2	518	271	978	173
1948.....	2	556	205	1,049	167
1949.....	2	605	238	1,121	177
1950.....	4	272	222	700	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States		Texas (southern)	84 districts
	Texas (southern)	84 districts	Texas (southern)	84 districts	Texas (southern)	84 districts		
1940.....	95	72	-----	-----	95	72	129	81
1941.....	85	83	-----	-----	85	83	127	82
1942.....	104	91	-----	-----	104	91	151	77
1943.....	157	100	10	12	147	88	107	58
1944.....	139	113	27	37	113	76	156	56
1945.....	208	238	84	160	124	78	194	57
1946.....	169	251	52	174	117	77	228	70
1947.....	268	162	135	84	134	78	250	109
1948.....	268	87	61	20	207	67	288	117
1949.....	241	118	-----	-----	-----	-----	364	121
1950.....	74	109	-----	-----	-----	-----	198	113

Because case load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

SOUTHERN DISTRICT OF TEXAS—Continued

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the southern district of Texas (not including land condemnation, habeas corpus, and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts.....	2,883	29.6	9.0	32.4	5.3
Texas (southern).....	54	42.6	7.5	29.6	4.5
1946:					
84 districts.....	3,421	29.3	8.9	33.4	5.0
Texas (southern).....	66	39.4	6.8	27.3	4.6
1947:					
84 districts.....	3,963	31.9	9.0	32.1	5.1
Texas (southern).....	82	34.1	8.8	32.9	4.7
1948:					
84 districts.....	4,548	26.7	9.9	27.4	5.8
Texas (southern).....	91	13.2	10.7	16.5	6.6
1949:					
86 districts.....	4,847	28.5	10.4	28.2	5.9
Texas (southern).....	101	13.9	15.7	16.8	8.8
1950:					
86 districts.....	5,020	22.3	11.2	24.5	6.7
Texas (southern).....	161	14.9	11.4	10.6	9.5

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or, if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

TABLE 4

A large number of criminal cases filed in the southern district of Texas are immigration cases, almost all of which are disposed of on plea of guilty. The breakdown is as follows:

Fiscal year	Total criminal cases filed	Immigration cases filed ¹	Other criminal cases filed
1942.....	1,054	588	466
1943.....	1,643	1,081	562
1944.....	2,168	1,771	397
1945.....	2,668	2,083	585
1946.....	2,256	1,755	501
1947.....	2 1,955	1,403	552
1948.....	2 2,099	1,687	412
1949.....	2 2,241	1,823	418
1950.....	2 2,801	2,350	451
1951 (first half).....	2 4,501	4,279	222

¹ Approximate. The figures represent the number of defendants charged, which is usually approximately the same as the number of cases.

² Transferred cases not included.

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES 101

APPENDIX 19

EASTERN DISTRICT OF TEXAS

TABLE I.—Cases commenced and terminated, by fiscal year, and pending at the end of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending June 30
1941.....	313	393	119
1942.....	315	295	139
1943.....	307	286	160
1944.....	364	349	175
1945.....	524	518	181
1946.....	610	474	317
1947.....	484	560	241
1948.....	324	318	247
1949.....	433	384	296
1950.....	475	426	345
1951 (first half).....	160	204	301
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	139	169	34	174	224	85
1942.....	134	113	55	181	182	84
1943.....	147 (29)	125	77	160	161	83
1944.....	132 (49)	122	87	232	227	88
1945.....	302 (245)	301	88	222	217	93
1946.....	280 (217)	260	108	330	214	209
1947.....	169 (95)	164	113	315	396	128
1948.....	63 (17)	89	87	261	229	160
1949.....	125 (58)	110	102	308	274	194
1950.....	113 (8)	83	132	362	343	213
1951 (first half).....	39	61	110	121	143	191
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending June 30
1941.....	470	484	110
1942.....	481	465	126
1943.....	214	261	79
1944.....	266	271	74
1945.....	313	314	73
1946.....	190	234	29
1947.....	211	186	57
1948.....	179	188	41
1949.....	138	134	40
1950.....	222	224	44
1951.....	109	76	75
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

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EASTERN DISTRICT OF TEXAS—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Eastern district of Texas			National average, ¹ cases commenced per judgeship ¹
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	1	313	313	164
1942.....	1	315	315	168
1943.....	1	307	307	158
1944.....	1	364	364	169
1945.....	1	524	524	295
1946.....	1	610	610	321
1947.....	1	484	484	271
1948.....	1	324	324	205
1949.....	1	433	433	238
1950.....	1	475	475	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Eastern district of Texas		National average: Cases commenced per judgeship ¹	Eastern district of Texas		National average: Cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	139	139	83	174	174	82
1942.....	134	134	91	181	181	77
1943.....	147	147	100	160	160	58
1944.....	132	132	113	232	232	56
1945.....	302	302	238	222	222	57
1946.....	280	280	251	330	330	70
1947.....	169	169	162	315	315	109
1948.....	63	63	87	261	261	117
1949.....	125	125	118	308	308	121
1950.....	113	113	109	362	362	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Eastern district of Texas		National average, cases commenced per judgeship ¹
	Cases commenced	Cases commenced per judgeship	
1941.....	470	470	165
1942.....	481	481	174
1943.....	214	214	190
1944.....	266	266	211
1945.....	313	313	209
1946.....	190	190	171
1947.....	211	211	173
1948.....	179	179	167
1949.....	138	138	177
1950.....	222	222	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

EASTERN DISTRICT OF TEXAS—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time interval (in months) ¹			
			Filing to disposition		Issue to trial	
	Texas (eastern)	National	Texas (eastern)	National	Texas (eastern)	National
1945.....	47	2,883	4.9	9.0	2.9	5.3
1946.....	35	3,421	6.8	8.9	5.5	5.0
1947.....	64	3,963	7.3	9.0	3.0	5.1
1948.....	39	4,548	7.8	9.9	3.0	5.8
1949.....	63	4,847	7.9	10.4	4.3	5.9
1950.....	54	5,020	8.0	11.2	4.9	6.7
1951.....						
1952.....						

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases. The national median is based on 84 districts for 1945-48 and on 86 districts for 1949-50.

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EASTERN DISTRICT OF TEXAS—Continued

TABLE 4.—Cases commenced per judgeship in the eastern district of Texas and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average, cases terminated 1950, percentage reaching trial
	Texas (eastern)	86 districts ¹	
Civil cases:			
Total cases.....	475	222	13
United States cases.....	113	109	11
Private cases.....	362	113	15
United States plaintiff.....	101	89	9
Land condemnation.....	17	4	15
OPA rent control.....	8	26	5
Fair Labor Standards Act.....	2	2	5
Other enforcement.....	1	5	6
Food and Drug Act.....	1	8	1
Liquor laws.....	1	3	32
Other forfeitures.....	6	4	10
Negotiable instruments.....	57	21	1
Other contracts.....	6	10	3
Other United States plaintiff.....	5	7	5
United States defendant.....	12	21	20
Habeas corpus.....	2	4	22
Tort Claims Act.....	1	5	25
Tax suits.....	1	4	26
Other United States defendant.....	8	7	15
Federal question.....	20	34	13
Copyright.....	1	1	15
Employers' Liability Act.....	5	5	25
Fair Labor Standards Act.....	1	1	9
Habeas corpus.....	2	3	10
Jones Act.....	2	9	7
Miller Act.....	1	1	17
Patent.....	1	3	15
Other Federal question.....	10	11	14
Diversity of citizenship.....	332	66	18
Insurance.....	215	11	16
Other contracts.....	19	13	18
Real property.....	25	4	21
Personal injury (auto).....	33	20	18
Personal injury (other).....	26	13	19
Other diversity.....	14	5	15
Admiralty.....	10	14	6
Criminal cases.....	222	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 20

EASTERN DISTRICT OF VIRGINIA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the eastern district of Virginia for the fiscal years 1940-50

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	218	208	166
1941.....	338	289	215
1942.....	399	254	360
1943.....	398	249	509
1944.....	303	281	531
1945.....	464	304	691
1946.....	582	487	786
1947.....	502	489	799
1948.....	419	558	660
1949.....	611	563	708
1950.....	605	651	662
1951 (first half).....	254	219	697

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	102	97	69	116	111	97
1941.....	196	155	110	142	134	105
1942.....	255	124	241	144	130	119
1943.....	301 (10)	150	392	97	99	117
1944.....	223 (23)	200	415	80	81	116
1945.....	351 (187)	222	544	113	82	147
1946.....	436 (270)	373	607	146	114	179
1947.....	335 (132)	371	571	167	118	228
1948.....	165 (48)	300	436	254	258	224
1949.....	311 (62)	290	457	300	273	251
1950.....	297 (39)	330	424	308	321	238
1951 (first half).....	127	98	453	127	121	244

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	490	503	77	1,689	1,436	1,182
1941.....	457	447	87	1,335	1,324	1,193
1942.....	368	350	105	1,025	1,180	1,038
1943.....	350	316	139	458	834	662
1944.....	384	412	111	237	621	278
1945.....	329	448	102	175	240	213
1946.....	433	320	105	136	74	275
1947.....	² 311	² 293	124	223	379	119
1948.....	² 622	² 526	207	360	201	278
1949.....	² 594	² 626	142	519	364	433
1950.....	² 355	² 379	89	632	592	473
1951 (first half).....	² 138	² 142	87	338	275	536

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Transferred cases not included.

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EASTERN DISTRICT OF VIRGINIA—Continued

TABLE 2.—Case load per judgeship for the eastern district of Virginia for the fiscal years 1940 to 1950, inclusive

Fiscal year	Cases filed per judge				
	Number of judges, Virginia (eastern)	Total civil cases per judge		Criminal cases per judge	
		Virginia (eastern)	84 districts	Virginia (eastern)	84 districts
1940.....	2	109	153	245	178
1941.....	2	169	164	229	165
1942.....	2	200	168	184	174
1943.....	2	199	158	175	190
1944.....	2	152	169	192	211
1945.....	2	232	295	220	209
1946.....	2	291	321	161	171
1947.....	2	251	271	156	173
1948.....	2	210	205	311	167
1949.....	2	306	238	297	177
1950.....	2	303	222	178	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge	
	Total		OPA		Other United States		Total	
	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts
	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts	Virginia (eastern)	84 districts
1940.....	51	72	-----	-----	51	72	58	81
1941.....	98	83	-----	-----	98	83	71	82
1942.....	128	91	-----	-----	128	91	72	77
1943.....	151	100	5	12	146	88	49	58
1944.....	112	113	12	37	100	76	40	56
1945.....	176	238	94	160	82	78	57	57
1946.....	218	251	135	174	83	77	73	70
1947.....	168	162	66	84	102	78	84	109
1948.....	83	87	24	20	59	67	127	117
1949.....	156	118	-----	-----	-----	-----	150	121
1950.....	149	109	-----	-----	-----	-----	154	113

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

EASTERN DISTRICT OF VIRGINIA—Continued

TABLE 3.—Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the eastern district of Virginia (not including land condemnation, habeas corpus, and forfeiture proceedings)

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts	2,883	29.6	9.0	32.4	5.3
Virginia (eastern)	36	25.0	8.5	52.8	2.8
1946:					
84 districts	3,421	29.3	8.9	33.4	5.0
Virginia (eastern)	48	22.9	7.4	58.3	2.0
1947:					
84 districts	3,963	31.9	9.0	32.1	5.1
Virginia (eastern)	62	26.0	13.3	40.3	4.9
1948:					
84 districts	4,548	26.7	9.9	27.4	5.8
Virginia (eastern)	88	18.2	13.7	22.7	6.5
1949:					
86 districts	4,847	28.5	10.4	28.2	5.9
Virginia (eastern)	103	30.1	10.1	37.9	4.5
1950:					
86 districts	5,020	22.3	11.2	24.5	6.7
Virginia (eastern)	94	22.3	10.5	23.4	5.7

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

APPENDIX 21

MARCH 2, 1951

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: Pursuant to my letter to you of February 6, 1951, I have consulted Circuit Judge William Denman, chief judge of the ninth circuit in which the State of Washington is situated, in reference to the bill to provide that the United States District Court for the Western District of Washington, southern division, shall sit at one other site in the southwest portion of Washington as shall be decided by the judges of the district court, in addition to Tacoma where the statute presently provides that the court shall sit (S. 638). Judge Denman has informed me that he consulted the Judicial Council in reference to the bill and that the Council after consulting the district judges for the western district, which would be affected, and finding that they were opposed to the passage of the bill, adopted a recommendation that the bill do not pass. I enclose a copy of the resolution.

With kind regards, I am,
Sincerely yours,

HENRY P. CHANDLER.

IN THE JUDICIAL COUNCIL FOR THE NINTH CIRCUIT

RESOLUTION RE SENATE BILL 638

Whereas there is now pending in the Senate of the United States a bill, No. 638, providing as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 128 (b) (2) of title 28 of the United States Code is amended to read as follows: 'Court for the

southern division shall be held at Tacoma and one other site in the southwest portion of Washington as shall be decided by the judges of the District Court for the Western District of Washington,""; and

Whereas Senator Pat McCarran, chairman of the Senate Committee on the Judiciary, has asked for our views upon the enactment of this bill; and

Whereas we have consulted with the district judges for the western district of Washington and find that they are opposed to the passage of the bill, inter alia, because there are no accommodations in the southern division of that district other than in Tacoma in which the district court may conduct its litigation; and

Whereas, we agree with the judges of that court: Now, therefore, be it

Resolved, That this Judicial Council recommends that the above bill do not pass.

I, William Denman, chief judge of the Ninth Judicial Circuit, hereby certify that the attached is a true copy of a resolution of the Judicial Council for the Ninth Circuit, passed this 14th day of February 1951.

WILLIAM DENMAN, *Chief Judge*.

FEBRUARY 19, 1951.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 638) to provide that the United States District Court for the Western District of Washington, southern division, shall sit at Tacoma and one other site in the southwest portion of Washington as shall be decided by the judges of the district court.

Section 128 (b) (2) of title 28, United States Code, provides that the United States District Court for the Southern Division of the Western District of Washington shall be held at Tacoma. The bill would amend the section so as to provide that, in addition to Tacoma, court for the southern division shall be held at "one other site in the southwest portion of Washington as shall be decided by the judges of the District Court for the Western District of Washington."

The bill would result in an increase in governmental expenses at a time when every effort is being made to reduce nondefense expenditures. Even if rent-free quarters were provided at the additional place selected for holding court in the southern division, the expense for travel of a judge, his assistants, deputy marshals, and district attorneys would be considerable.

There has been a growing tendency in recent years to reduce, rather than to increase, the number of places for holding court. This matter has been the subject of considerable study and discussion by the Judicial Conference of the United States in its effort to achieve economy and efficiency in the operation of the Federal courts. The Conference has recommended that section 138 of title 28, United States Code, be amended so as to provide that notwithstanding the present provisions of law requiring court to be held in designated places, those provisions may be changed or abolished by rule of the district court upon a finding that the public interest so requires and upon approval by the judicial council of the circuit. The Conference stated that the proposed change in the law would result in economy of operation and promote the efficient dispatch of court business. These views were reaffirmed by the Conference at its March 1950 meeting.

It may also be mentioned that section 141 of title 28, United States Code, provides that special terms of district court may be held at such places in the district as the nature of the business may require and any business may be transacted at such a special term which might be transacted at a regular term.

It is assumed that the committee has obtained the views of the Administrative Office of the United States Courts concerning the proposal.

Whether, in the light of the foregoing considerations, the bill should be enacted is a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Yours sincerely,

PEYTON FORD, *Deputy Attorney General*.

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES 109

WESTERN DISTRICT OF WASHINGTON

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the western district of Washington for the fiscal years 1940–50 and for the first half of fiscal year 1951

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1940.....	351	325	329
1941.....	360	334	355
1942.....	437	390	402
1943.....	466	424	444
1944.....	501	539	406
1945.....	609	579	436
1946.....	673	642	467
1947.....	570	612	425
1948.....	474	472	427
1949.....	558	455	530
1950.....	514	595	449
1951 (first half).....	254	259	444

Fiscal year	United States civil (United States a party). OPA cases, in parentheses, are included in cases commenced ¹			Private civil cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	231	194	169	120	131	160
1941.....	255	199	225	105	135	130
1942.....	314	246	293	123	144	109
1943.....	385 (29)	330	348	81	94	96
1944.....	393 (46)	426	315	108	113	91
1945.....	531 (237)	501	345	78	78	91
1946.....	550 (289)	547	348	123	95	119
1947.....	446 (186)	486	308	124	126	117
1948.....	266 (37)	322	252	208	150	175
1949.....	327 (69)	269	310	231	186	220
1950.....	301 (84)	346	265	213	249	184
1951 (first half).....	139 (27)	152	252	115	107	192

Fiscal year	Criminal			Bankruptcy		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1940.....	297	286	84	812	602	720
1941.....	277	287	75	877	1,110	487
1942.....	347	313	109	931	1,067	351
1943.....	416	387	138	583	696	238
1944.....	400	434	104	327	391	174
1945.....	371	411	64	220	259	135
1946.....	360	358	66	181	204	112
1947.....	³ 339	345	65	228	228	112
1948.....	³ 377	³ 355	76	375	276	211
1949.....	³ 291	³ 317	66	548	495	264
1950.....	³ 260	³ 285	51	690	599	355
1951 (first half).....	³ 135	³ 122	54	336	285	406

¹ OPA cases, including rent control, are separately listed because from 1945 to 1948 they constituted a large portion of all civil cases filed.

² Adjusted.

³ Transferred cases not included.

110 APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

WESTERN DISTRICT OF WASHINGTON—Continued

TABLE 2.—Case load per judgeship for the western district of Washington for the fiscal years 1940 to 1949, inclusive

Fiscal year	Number of judges, Washington (western)	Cases filed per judge			
		Total civil cases per judge		Criminal cases per judge	
		Washington (western)	84 districts	Washington (western)	84 districts
1940.....	13	117	153	99	178
1941.....	3	120	164	92	165
1942.....	3	146	168	116	174
1943.....	3	155	158	139	190
1944.....	3	167	169	133	211
1945.....	3	203	295	124	209
1946.....	3	224	321	120	171
1947.....	3	190	271	113	173
1948.....	3	158	205	126	167
1949 ²	3	186	238	97	177
1950.....	3	171	222	87	169

Fiscal year	United States civil cases per judge (United States a party)						Private civil cases per judge, total	
	Total		OPA		Other United States			
	Washington (western)	84 districts	Washington (western)	84 districts	Washington (western)	84 districts	Washington (western)	84 districts
1940.....	77	72	-----	-----	77	72	40	81
1941.....	85	83	-----	-----	85	83	35	82
1942.....	105	91	-----	-----	105	91	41	77
1943.....	128	100	10	12	119	88	27	58
1944.....	131	113	15	37	116	76	36	56
1945.....	177	238	79	160	98	78	26	70
1946.....	183	251	96	174	87	77	41	70
1947.....	149	162	62	84	87	78	41	109
1948.....	89	87	12	20	76	67	69	117
1949 ²	109	118	23	33	86	74	77	121
1950.....	100	109	-----	-----	-----	-----	71	113

¹ Judge Black who was judge for the eastern and western districts of Washington spent almost all of his time in the western district and is therefore counted in this table as a judge for the western district.

² Figures for 1949 are for 86 districts instead of 84.

NOTE 1.—Land condemnation cases tried: 1945, 24; 1946, 13; 1947, 1; 1948, 1.

NOTE 2.—Because case load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

WESTERN DISTRICT OF WASHINGTON—Continued

TABLE 3.—*Time intervals in civil cases terminated during the fiscal years 1945-50 in which a trial was held in the western district of Washington (not including land condemnation, habeas corpus, and forfeiture proceedings)*

Year and district	Total cases terminated after trial	Filing to disposition		Issue to trial	
		Percent requiring less than 6 months	Median time in months ¹	Percent requiring less than 3 months	Median time in months ¹
1945:					
84 districts	2,883	29.6	9.0	32.4	5.3
Washington (western)	42	14.3	10.5	11.9	6.3
1946:					
84 districts	3,421	29.3	8.9	33.4	5.0
Washington (western)	56	23.2	9.0	35.7	4.7
1947:					
84 districts	3,963	31.9	9.0	32.1	5.1
Washington (western)	82	26.8	8.7	30.5	4.6
1948:					
84 districts	4,548	26.7	9.9	27.4	5.8
Washington (western)	71	21.1	9.4	31.0	4.9
1949:					
86 districts	4,847	28.5	10.4	28.2	5.9
Washington (western)	65	15.4	10.3	29.2	6.2
1950:					
86 districts	5,020	22.3	11.2	24.5	6.7
Washington (western)	98	9.2	13.3	16.3	6.5

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or, if there is an even number of cases, it is the average time for the 2 middle cases. No median has been computed where less than 25 cases are involved. The same procedure is followed in determining the median time from issue to trial.

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APPENDIX 22

NORTHERN DISTRICT OF WEST VIRGINIA

TABLE 1.—Cases commenced and terminated, during the year, and pending at the end of the year of each year, beginning with 1941

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	100	138	52
1942.....	205	142	115
1943.....	72	79	108
1944.....	69	98	79
1945.....	185	166	98
1946.....	140	134	154
1947.....	75	127	52
1948.....	71	71	52
1949.....	92	79	65
1950.....	109	92	82
1951 (first half).....	43	48	77
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com- menced	Termi- nated	Pending June 30	Com- menced	Termi- nated	Pending June 30
1941.....	48	73	29	52	65	23
1942.....	174	117	86	31	25	29
1943.....	63 (9)	63	86	9	16	22
1944.....	57 (8)	87	56	12	11	23
1945.....	159 (123)	137	78	26	29	20
1946.....	121 (97)	111	88	19	23	16
1947.....	49 (37)	107	30	26	20	22
1948.....	44 (4)	40	34	27	31	18
1949.....	47 (12)	51	30	45	28	35
1950.....	78 (23)	68	40	31	24	42
1951 (first half).....	22 (5)	30	32	21	18	45
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending June 30
1941.....	122	118	48
1942.....	107	113	42
1943.....	151	143	50
1944.....	178	189	39
1945.....	137	144	32
1946.....	126	127	31
1947.....	128	125	34
1948.....	151	165	15
1949.....	184	161	35
1950.....	61	81	13
1951 (first half).....	31	26	14
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

NORTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Northern district of West Virginia			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	1½	100	67	164
1942.....	1½	205	137	168
1943.....	1½	72	48	158
1944.....	1½	69	46	169
1945.....	1½	185	123	295
1946.....	1½	140	93	321
1947.....	1½	75	50	271
1948.....	1½	71	47	205
1949.....	1½	92	61	238
1950.....	1½	109	73	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Northern district of West Virginia		National average, ¹ cases commenced per judgeship	Northern district of West Virginia		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	48	32	83	52	35	82
1942.....	174	116	91	31	21	77
1943.....	63	42	100	9	6	58
1944.....	57	38	113	12	8	56
1945.....	159	106	238	26	17	57
1946.....	121	81	251	19	13	70
1947.....	49	33	162	26	17	109
1948.....	44	29	87	27	18	117
1949.....	47	31	118	45	30	121
1950.....	78	52	109	31	21	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Northern district of West Virginia		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	122	81	165
1942.....	107	71	174
1943.....	151	101	190
1944.....	178	119	211
1945.....	137	91	209
1946.....	126	84	171
1947.....	128	85	173
1948.....	151	101	167
1949.....	184	123	177
1950.....	61	41	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case-load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

NORTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 3.—*Currency of dockets—time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Percentage of terminated cases requiring less than 6 months for the interval from filing to disposition		Percentage of terminated cases requiring less than 3 months for the interval from issue to trial	
	West Virginia (northern)	National ¹	West Virginia (northern)	National ¹	West Virginia (northern)	National ¹
1945-----	11	2,883	45.5	29.6	54.5	32.4
1946-----	4	3,421		29.3		33.4
1947-----	6	3,963	50.0	31.9	50.0	32.1
1948-----	15	4,548	46.7	26.7	33.3	27.4
1949-----	9	4,847	44.4	28.5	33.3	28.2
1950-----	13	5,020	38.5	22.3	23.1	24.5
1951-----						
1952-----						

¹ This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

NOTE.—The period from filing to disposition is the elapsed time from commencement to termination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun. Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

NORTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 4.—Cases commenced per judgeship in the northern district of West Virginia and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average ¹ cases terminated 1950, percentage reaching trial
	West Virginia (northern)	86 districts	
Civil cases:			
Total cases.....	73	222	13
United States cases.....	52	109	11
Private cases.....	21	113	15
United States plaintiff.....	48	89	9
Land condemnation.....		4	
OPA, rent control.....	15	26	15
Fair Labor Standards Act.....	1	2	5
Other enforcement.....	5	5	6
Food and Drug Act.....	3	8	1
Liquor laws.....	1	3	32
Other forfeitures.....		4	10
Negotiable instruments.....	21	21	1
Other contracts.....	1	10	3
Other United States plaintiff.....	1	7	5
United States defendant.....	4	21	20
Habeas corpus.....	2	4	22
Tort Claims Act.....	1	5	25
Tax suits.....		4	26
Other United States defendant.....	1	7	15
Federal question.....	4	34	14
Copyright.....		1	15
Employers' Liability Act.....	1	5	25
Fair Labor Standards Act.....	1	1	9
Habeas corpus.....		3	10
Jones Act.....		9	7
Miller Act.....		1	17
Patent.....	1	3	15
Other Federal question.....	1	11	14
Diversity of citizenship.....	17	66	18
Insurance.....	1	11	16
Other contracts.....	2	13	18
Real property.....	5	4	21
Personal injury (auto).....	5	20	18
Personal injury (other).....	2	13	19
Other diversity.....	1	5	15
Admiralty.....		14	6
Criminal cases.....	41	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

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SOUTHERN DISTRICT OF WEST VIRGINIA

TABLE 1.—Cases commenced and terminated during the year and pending at the end of the year for the southern district of West Virginia for the fiscal years 1940-51

Fiscal year	Total civil cases		
	Commenced	Terminated	Pending, June 30
1941.....	133	143	113
1942.....	140	171	82
1943.....	146	139	89
1944.....	149	145	93
1945.....	230	188	135
1946.....	211	217	129
1947.....	211	192	148
1948.....	163	200	111
1949.....	178	146	143
1950.....	240	242	141
1951 (first half).....	78	84	135
1952.....			

Fiscal year	United States civil cases (United States a party). OPA cases are in parentheses ¹			Private civil cases		
	Com-menced	Termi-nated	Pending June 30	Com-menced	Termi-nated	Pending June 30
1941.....	74	71	62	59	72	51
1942.....	88	109	41	52	62	41
1943.....	92 (5)	79	54	54	60	35
1944.....	87 (30)	76	65	62	69	28
1945.....	189 (132)	144	110	41	44	25
1946.....	147 (110)	169	88	64	48	41
1947.....	132 (74)	128	92	79	64	56
1948.....	74 (16)	124	42	89	76	69
1949.....	78 (11)	72	48	100	74	95
1950.....	102 (18)	99	51	138	143	90
1951 (first half).....	33 (6)	39	45	45	45	90
1952.....						

Fiscal year	Criminal cases ²		
	Commenced	Terminated	Pending June 30
1941.....	454	448	178
1942.....	321	349	150
1943.....	330	363	117
1944.....	448	437	128
1945.....	289	338	79
1946.....	195	214	60
1947.....	207	189	79
1948.....	163	170	67
1949.....	155	166	58
1950.....	166	149	81
1951 (first half).....	55	66	71
1952.....			

¹ OPA cases, including rent control, are separately listed because from 1945 to 1947 they constituted a large proportion of all civil cases commenced, although they required on the average a relatively small proportion of court time per case for disposition during those years. They are included in the figure which they follow.

² Cases transferred are not included in "Commenced" and "Terminated" columns.

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SOUTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 2.—Cases commenced per judgeship

Fiscal year	Total civil cases			
	Southern district of West Virginia			National average, ¹ cases commenced per judgeship
	Number of judgeships	Cases commenced	Cases commenced per judgeship	
1941.....	1½	133	89	164
1942.....	1½	140	93	168
1943.....	1½	146	97	158
1944.....	1½	149	99	169
1945.....	1½	230	153	295
1946.....	1½	211	141	321
1947.....	1½	211	141	271
1948.....	1½	163	109	205
1949.....	1½	178	119	238
1950.....	1½	240	160	222
1951.....				
1952.....				

Fiscal year	United States civil cases (United States a party)			Private civil cases		
	Southern district of West Virginia		National average, ¹ cases commenced per judgeship	Southern district of West Virginia		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship		Cases commenced	Cases commenced per judgeship	
1941.....	74	49	83	59	39	82
1942.....	88	59	91	52	35	77
1943.....	92	61	100	54	36	58
1944.....	87	58	113	62	41	56
1945.....	189	106	238	41	27	57
1946.....	147	98	251	64	43	70
1947.....	132	88	162	79	53	109
1948.....	74	49	87	89	59	117
1949.....	78	52	118	100	67	121
1950.....	102	68	109	138	92	113
1951.....						
1952.....						

Fiscal year	Criminal cases		
	Southern district of West Virginia		National average, ¹ cases commenced per judgeship
	Cases commenced	Cases commenced per judgeship	
1941.....	454	303	165
1942.....	321	214	174
1943.....	330	220	190
1944.....	448	299	211
1945.....	289	193	209
1946.....	195	130	171
1947.....	207	138	173
1948.....	163	109	167
1949.....	155	103	177
1950.....	166	111	169
1951.....			
1952.....			

¹ This column includes all districts having purely Federal jurisdiction: 86 districts for 1949 and thereafter; 84 districts before 1949.

NOTE.—Because case load figures are given to the nearest whole number, it is not always possible to derive exact totals by adding component parts.

SOUTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 3.—*Currency of dockets—Time intervals in civil cases terminated in which a trial was held, for each fiscal year beginning with 1945*

Fiscal year	Total cases terminated after trial		Median time intervals ¹ (in months)			
			Filing to disposition		Issue to trial	
	West Virginia (southern)	National ²	West Virginia (southern)	National ²	West Virginia (southern)	National ²
1945.....	20	2,883	(³)	9.0	-----	5.3
1946.....	18	3,421	-----	8.9	-----	5.0
1947.....	20	3,963	-----	9.0	-----	5.1
1948.....	29	4,548	4.9	9.9	3.1	5.8
1949.....	12	4,847	-----	10.4	-----	5.9
1950.....	31	5,020	8.6	11.2	6.2	6.7
1951.....	-----	-----	-----	-----	-----	-----
1952.....	-----	-----	-----	-----	-----	-----

¹ The median time interval from filing to disposition is computed by arranging all cases terminated during the year, in which a trial was held, in order according to the time from filing to disposition, from the lowest to the highest. The median time is then the time required for the middle case of the series or if there is an even number of cases, it is the average time for the 2 middle cases. The same procedure is followed in determining the median time from issue to trial. The median instead of the average is used because it prevents distortion of the result by a few nontypical long or short cases.

The period from filing to disposition is the elapsed time from commencement to determination of the case. The period from issue to trial is the time from filing of the answer to the date trial is begun.

Land condemnation, habeas corpus, and forfeiture cases are not included because they are not representative of the time required for the general run of civil cases.

² This column includes all districts having purely Federal jurisdiction: 84 in 1945-48 and 86 in 1949-50.

³ Median time interval is shown in months and has not been computed where the number of cases is less than 25.

SOUTHERN DISTRICT OF WEST VIRGINIA—Continued

TABLE 4.—Cases commenced per judgeship in the southern district of West Virginia and in 86 districts in the fiscal year 1950, by nature of suit

	Cases commenced per judgeship		National average ¹ cases terminated 1950: Percentage reaching trial
	West Virginia (southern)	86 districts	
Civil cases:			
Total cases.....	160	222	13
United States cases.....	68	109	11
Private cases.....	92	113	15
United States plaintiff.....	60	89	9
Land condemnation.....	4	4	—
OPA rent control.....	12	26	15
Fair Labor Standards Act.....	—	2	5
Other enforcement.....	—	5	6
Food and Drug Act.....	11	8	1
Liquor laws.....	—	3	32
Other forfeitures.....	2	4	10
Negotiable instruments.....	10	21	1
Other contracts.....	17	10	3
Other United States plaintiff.....	3	7	5
United States defendant.....	8	21	20
Habeas corpus.....	3	4	22
Tort Claims Act.....	2	5	25
Tax suits.....	2	4	26
Other United States defendant.....	1	7	15
Federal question.....	15	34	13
Copyright.....	—	1	15
Employers' Liability Act.....	5	5	25
Fair Labor Standards Act.....	5	1	9
Habeas corpus.....	1	3	10
Jones Act.....	—	9	7
Miller Act.....	—	1	17
Patent.....	—	3	15
Other Federal question.....	5	11	14
Diversity of citizenship.....	77	66	18
Insurance.....	5	11	16
Other contracts.....	11	13	18
Real property.....	3	4	21
Personal injury (auto).....	36	20	18
Personal injury (other).....	11	13	19
Other diversity.....	11	5	15
Admiralty.....	—	14	6
Criminal cases.....	111	169	7

¹ This column shows the percentage of all cases of each type terminated which reached trial in 86 districts having purely Federal jurisdiction. It gives some indication of the types of cases which take a relatively large and a relatively small amount of court time.

APPENDIX 23

DEPARTMENT OF JUSTICE,
THE OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,

August 11, 1949.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1747) to require the United States District Court for the Eastern District of Michigan (Northern Division) to sit during a part of its term at Flint, Mich.

The bill would amend section 102 (a) (2) of title 28 so as to include Flint, Mich., as a place for holding court in the northern division of the eastern district of

Michigan. The present law provides that court shall be held at Bay City and Port Huron in the northern division of the eastern district.

There has been a growing tendency in recent years to reduce the number of places for holding court. This matter has been the subject of considerable study and discussion by the Judicial Conference of the United States in its effort to achieve economy and efficiency in the operation of the Federal courts. At its meeting in September 1948 the conference recommended that section 138 of title 28, United States Code, be amended so as to provide that notwithstanding the present provisions of law requiring court to be held in designated places, those provisions may be changed or abolished by rule of the district court upon a finding that the public interest so requires and upon approval by the judicial council of the circuit. The conference expressed the view that the proposed change in the law would result in economy of operation and promote the efficient dispatch of court business.

It may also be mentioned that section 141 of title 28, United States Code, provides that special terms of district court may be held at such places in the district as the nature of the business may require and any business may be transacted at such a special term which might be transacted at a regular term.

It is assumed that the committee has obtained the views of the Administrative Office of the United States Courts concerning the proposal.

Whether, in the light of the foregoing considerations, the bill should be enacted is a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D. C., May 23, 1949.

HON. PAT McCARRAN,
*Chairman of the Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: Mr. Chandler is away from Washington at present on official business. In his absence, I am replying to your request for a report with regard to S. 1747 entitled "A bill to require the United States District Court for the Eastern District of Michigan (Northern Division) to sit during a part of its term at Flint, Mich." by quoting a response which he made to a recent request from the House Judiciary Committee for his views with regard to this proposed legislation. In a communication to Chairman Celler dated May 4, 1949, he said:

"I can appreciate that it would be somewhat more convenient for the people in the region of Flint to have the United States district court sit there than to have to travel in connection with cases in the Federal court to Bay City. The question is whether the advantage to the persons who have occasion to resort to the Federal courts would be enough to warrant the increase in cost to the general public of establishing a new location at Flint when the courthouse at Bay City, as your correspondence states, is only about 50 miles away. This is not a long distance in these modern days of automobile travel.

"The Judicial Conference of the United States has naturally not considered the particular proposal which is just now made. The general view of the members is, however, that with the greater ease and speed of travel through the common use of the automobile and the excellent highways in this generation, less rather than more court seats are necessary than formerly; also that from the standpoint of economy and efficiency in the operation of the Federal judicial system it is not advisable to add to the number of places of holding court unless in a particular case this is imperatively required by the public convenience. The question is, however, one of policy for the determination of the Congress."

With kind regards, I am

Sincerely yours,

ELMORE WHITEHURST,
Assistant Director.

APPENDIX 24

FEBRUARY 2, 1951.

Re additional judges needed for the courts of the ninth circuit.

Hon. PAT McCARRAN,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I understand that with your accustomed helpful interest in the courts of this circuit, you are inquiring concerning the needs of its Federal litigants for additional judges.

These needs are most acute in (a) the third division of Alaska, (b) the district of Arizona, and (c) in this court of appeals.

(a) *H. R. 163 pending in House Judiciary Committee*

This bill provides for an additional district judge for the third division of the District Court of the District of Alaska. It renews a bill which the House Judiciary Committee recommended last year and which passed the House on August 24, 1950. It died in the Senate.

The situation for litigants in that court and for Judge Dimond, its sole judge, is a most deplorable one. The delays on cases, both civil and criminal, and the arrearages piling up are truly a denial of justice in a frontier community badly policed, where, more than anywhere else, is needed the pressure of the majesty of the law.

The number of civil cases filed in the court, which in 1941 was 248 and in 1949, 546, went on to 676 in 1950, an increase of more than two and one-half times in the 10-year period. In the first 5 months of the current year, 352 civil cases were filed. This compares with 246 in the corresponding period of 1950, an increase approaching 50 percent, and indicates that the number of civil cases filed in the current fiscal year will reach an unprecedentedly high level. The number of criminal cases brought went up in the 10 years from 61 in 1941 to 145 in 1950. The number of cases pending at the end of 1941 was 16, which went up to 74 at the end of 1950.

Judge Dimond is allowed but one reporter and, as a result of the overload he is endeavoring to discharge, the typewritten transcripts are greatly delayed. In a life-sentence criminal case they were delayed 7 months. I have just granted an extension of time for 3 months in a third division case pending here because after 2 months' delay the additional 3 months were needed to prepare the transcript.

(b) *The refusal for over 3 years to retire by one of the two Federal judges in the district of Arizona who has been continuously disabled from service.*

By a curious misdrafting of the provisions of 28 U. S. C., section 371, the President has the power of appointing a judge where one is totally disabled from serving his litigants only when he has reached the age of 70.

The Ninth Circuit Conference has petitioned that it be amended to make this section apply to judges under 70 years of age, which is the situation with the nonserving judge in Arizona.

The amendment is simple. Section 371 applying to judges over 70 years of age provides that the President may appoint an additional judge "whenever any circuit or district judge eligible to resign or retire under this section does neither." By adding to the words "this section" the words "and under section 372," it would cover the instant situation.

The judges of this circuit unanimously desire that this simple change be made.

(c) *The increase in population in the ninth circuit and the litigation arising therefrom requires two additional circuit judges for its court of appeals.*

The population increase in the last decade in the three coast States of the circuit has been upward of 50 percent, and has added over 4 million people, with their Federal litigation.

This court takes the appeals from 35 district judges, the largest number in any of the circuits. The District of Columbia has 9 circuit judges taking appeals from but 15 district judges.

This added 4,000,000 of population has increased the dockettings of this court of appeals by 35 percent over what we had 10 years ago, when our seven judges were just able to keep current under the former case load. The increase is from an annual average docketing for 5 years to June 1, 1940, of 315, to an annual average of 428 for the last 7 months. Thirty-five percent of 7 judges is 2.4 judges.

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Present added costs in bringing in outside judges

While I know you are not concerned with the added cost for the two judges necessary to serve the litigants of your circuit, others in the Congress should appreciate the now existing added costs of the present conditions.

To try to keep down our arrearages, we have to call in from all over the country other circuit judges and their assistants and distant district judges from as far as Hawaii, Spokane, and Seattle, with their large total of traveling and living expenses.

This comes with the warm remembrance of all of us of what you have done to aid the courts of the circuit since you have been a Senator.

Cordially,

WILLIAM DENMAN, *Chief Judge.*

